

## ONE HUNDRED THIRD DAY

St. Paul, Minnesota, Wednesday, April 16, 2008

The Senate met at 12:00 noon and was called to order by the President.

**CALL OF THE SENATE**

Senator Pogemiller imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. David D. Colby.

The roll was called, and the following Senators answered to their names:

Anderson	Erickson Ropes	Langseth	Ortman	Sieben
Bakk	Fischbach	Larson	Pappas	Skoe
Berglin	Foley	Latz	Pariseau	Skogen
Betzold	Frederickson	Limmer	Pogemiller	Sparks
Bonoff	Gerlach	Lourey	Prettner Solon	Stumpf
Carlson	Gimse	Lynch	Rest	Tomassoni
Chaudhary	Hann	Marty	Robling	Torres Ray
Clark	Higgins	Metzen	Rosen	Vandever
Cohen	Ingebrigtsen	Michel	Rummel	Vickerman
Dahle	Johnson	Moua	Saltzman	Wergin
Day	Jungbauer	Murphy	Saxhaug	Wiger
Dibble	Koch	Olseen	Scheid	
Dille	Koering	Olson, G.	Senjem	
Doll	Kubly	Olson, M.	Sheran	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2755, 2806, 3070, 3135, 3397, 3202, 3362, 3084, 1018, 1436 and 3622.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 14, 2008

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 1578:** A bill for an act relating to consumer protection; regulating security freezes on consumer reports; providing for payment of fees; amending Minnesota Statutes 2006, section 13C.016, subdivision 8.

Senate File No. 1578 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 14, 2008

### CONCURRENCE AND REPASSAGE

Senator Sparks moved that the Senate concur in the amendments by the House to S.F. No. 1578 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1578 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Langseth	Olson, M.	Skoe
Bakk	Foley	Larson	Pappas	Skogen
Berglin	Frederickson	Latz	Pogemiller	Sparks
Betzold	Gerlach	Limmer	Prettner Solon	Stumpf
Carlson	Gimse	Lourey	Rest	Tomassoni
Chaudhary	Hann	Lynch	Robling	Torres Ray
Clark	Higgins	Marty	Rosen	Vickerman
Dahle	Ingebrigtsen	Metzen	Rummel	Wergin
Day	Johnson	Michel	Saltzman	Wiger
Dibble	Jungbauer	Moua	Saxhaug	
Dille	Koch	Murphy	Scheid	
Doll	Koering	Olseen	Senjem	
Erickson Ropes	Kubly	Olson, G.	Sheran	

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 1918:** A bill for an act relating to telecommunications; creating the Ultra High-Speed

Broadband Task Force.

Senate File No. 1918 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 14, 2008

### CONCURRENCE AND REPASSAGE

Senator Prettner Solon moved that the Senate concur in the amendments by the House to S.F. No. 1918 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1918 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Kubly	Olson, G.	Senjem
Bakk	Erickson Ropes	Langseth	Olson, M.	Sheran
Berglin	Fischbach	Larson	Pappas	Sieben
Betzold	Foley	Latz	Pariseau	Skoe
Bonoff	Frederickson	Limmer	Pogemiller	Skogen
Carlson	Gerlach	Lourey	Prettner Solon	Sparks
Chaudhary	Gimse	Lynch	Rest	Stumpf
Clark	Hann	Marty	Robling	Tomassoni
Cohen	Higgins	Metzen	Rosen	Torres Ray
Dahle	Ingebrigtsen	Michel	Rummel	Vickerman
Day	Johnson	Moua	Saltzman	Wergin
Dibble	Koch	Murphy	Saxhaug	Wiger
Dille	Koering	Olseen	Scheid	

Those who voted in the negative were:

Jungbauer

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2667:** A bill for an act relating to health; extending two-year moratorium on radiation therapy facility construction in certain counties; amending Minnesota Statutes 2007 Supplement, section 144.5509.

Senate File No. 2667 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 14, 2008

### CONCURRENCE AND REPASSAGE

Senator Berglin moved that the Senate concur in the amendments by the House to S.F. No. 2667 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2667 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Langseth	Pappas	Skoe
Bakk	Erickson Ropes	Larson	Pariseau	Skogen
Berglin	Fischbach	Latz	Pogemiller	Sparks
Betzold	Foley	Lourey	Prettner Solon	Stumpf
Bonoff	Frederickson	Lynch	Rest	Tomassoni
Carlson	Gerlach	Marty	Robling	Torres Ray
Chaudhary	Gimse	Metzen	Rosen	Vickerman
Clark	Higgins	Michel	Rummel	Wergin
Cohen	Ingebrigtsen	Moua	Saltzman	Wiger
Dahle	Johnson	Murphy	Saxhaug	
Day	Koch	Olseen	Senjem	
Dibble	Koering	Olson, G.	Sheran	
Dille	Kubly	Olson, M.	Sieben	

Those who voted in the negative were:

Hann	Jungbauer	Limmer	Scheid
------	-----------	--------	--------

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2765:** A bill for an act relating to insurance; regulating auto insurance; regulating certain claims practices; amending Minnesota Statutes 2006, section 65B.54, by adding a subdivision.

Senate File No. 2765 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 14, 2008

### CONCURRENCE AND REPASSAGE

Senator Sparks moved that the Senate concur in the amendments by the House to S.F. No. 2765 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2765 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Koering	Olseen	Scheid
Bakk	Erickson Ropes	Kubly	Olson, G.	Senjem
Berglin	Fischbach	Langseth	Olson, M.	Sheran
Betzold	Foley	Larson	Pappas	Sieben
Bonoff	Frederickson	Latz	Pariseau	Skoe
Carlson	Gerlach	Limmer	Pogemiller	Skogen
Chaudhary	Gimse	Lourey	Prettner Solon	Sparks
Clark	Hann	Lynch	Rest	Stumpf
Cohen	Higgins	Marty	Robling	Tomassoni
Dahle	Ingebrigtsen	Metzen	Rosen	Torres Ray
Day	Johnson	Michel	Rummel	Vickerman
Dibble	Jungbauer	Moua	Saltzman	Wergin
Dille	Koch	Murphy	Saxhaug	Wiger

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2915:** A bill for an act relating to judicial process; modifying certain civil and criminal penalties; amending Minnesota Statutes 2006, section 363A.29, subdivision 4; Minnesota Statutes 2007 Supplement, section 609.822, subdivision 3.

Senate File No. 2915 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 14, 2008

### CONCURRENCE AND REPASSAGE

Senator Moua moved that the Senate concur in the amendments by the House to S.F. No. 2915 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2915 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Koering	Olson, G.	Sheran
Bakk	Erickson Ropes	Kubly	Olson, M.	Sieben
Berglin	Fischbach	Langseth	Pappas	Skoe
Betzold	Foley	Larson	Pariseau	Skogen
Bonoff	Frederickson	Latz	Pogemiller	Sparks
Carlson	Gerlach	Lourey	Prettner Solon	Stumpf
Chaudhary	Gimse	Lynch	Rest	Tomassoni
Clark	Hann	Marty	Robling	Torres Ray
Cohen	Higgins	Metzen	Rosen	Vickerman
Dahle	Ingebrigtsen	Michel	Rummel	Wergin
Day	Johnson	Moua	Saltzman	Wiger
Dibble	Jungbauer	Murphy	Saxhaug	
Dille	Koch	Olseen	Scheid	

Those who voted in the negative were:

Limmer                      Senjem

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 3082:** A bill for an act relating to motor vehicles; permitting sale of impounded vehicles and contents after voluntary title transfer; providing for notice of impound, right to reclaim contents, and waiver of right; establishing right to retrieve contents without charge in certain cases; limiting deficiency claim; providing for permit for oversize and overweight tow trucks in certain cases; providing for disclosure of damage to older vehicles; amending Minnesota Statutes 2006, sections 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding a subdivision; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.86, by adding a subdivision; 325F.6644.

Senate File No. 3082 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 14, 2008

### CONCURRENCE AND REPASSAGE

Senator Olseen moved that the Senate concur in the amendments by the House to S.F. No. 3082 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 3082:** A bill for an act relating to consumer protection; modifying provisions relating to older motor vehicle title branding; amending Minnesota Statutes 2006, section 325F.6644.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Koering	Olseen	Scheid
Bakk	Erickson Ropes	Kubly	Olson, G.	Senjem
Berglin	Fischbach	Langseth	Olson, M.	Sheran
Betzold	Foley	Larson	Pappas	Sieben
Bonoff	Frederickson	Latz	Pariseau	Skoe
Carlson	Gerlach	Limmer	Pogemiller	Skogen
Chaudhary	Gimse	Lourey	Prettner Solon	Sparks
Clark	Hann	Lynch	Rest	Stumpf
Cohen	Higgins	Marty	Robling	Tomassoni
Dahle	Ingebrigtsen	Metzen	Rosen	Torres Ray
Day	Johnson	Michel	Rummel	Vickerman
Dibble	Jungbauer	Moua	Saltzman	Wergin
Dille	Koch	Murphy	Saxhaug	Wiger

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2822, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2822:** A bill for an act relating to insurance; providing for penalties and attorney fees for certain insurance claims practices; proposing coding for new law in Minnesota Statutes, chapter 604.

Senate File No. 2822 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 14, 2008

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3372 and 2837.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 14, 2008

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time.

**H.F. No. 3372:** A bill for an act relating to health; changing provisions for uniform billing forms and electronic claim filing; establishing compliance procedures for electronic transactions; amending Minnesota Statutes 2006, sections 62J.51, subdivisions 17, 18; 62J.52, subdivision 4; 62J.59; 72A.201, subdivision 4; Minnesota Statutes 2007 Supplement, sections 62J.52, subdivisions 1, 2; 62J.536, subdivision 1, by adding subdivisions; repealing Minnesota Statutes 2006, sections 62J.52, subdivision 5; 62J.58.

Referred to the Committee on Finance.

**H.F. No. 2837:** A bill for an act relating to optometrist; changing practice and licensing provisions; amending Minnesota Statutes 2006, sections 148.56; 148.57; 148.571; 148.573, subdivision 1; 148.574; 148.575; repealing Minnesota Statutes 2006, section 148.573, subdivisions 2, 3; Minnesota Rules, part 6500.2100.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3258, now on the Calendar.

**REPORTS OF COMMITTEES**

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Bakk from the Committee on Taxes, to which was re-referred**

**S.F. No. 3223:** A bill for an act relating to transportation; modifying or adding provisions relating to data classification, highways, motor vehicles, vehicle registration, fuel tax agreement fees, traffic regulations, vehicle parking ordinances, commercial vehicles and vehicle combinations and permits, pupil transportation and school bus drivers, drivers' licenses, driver training, transit and paratransit planning, urban partnership agreement implementation, the transfer of right-of-way to state rail bank, nonmotorized transportation, transportation finance, and other transportation-related programs or practices; providing for rulemaking; requiring studies and reports; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 5B.02; 5B.03, subdivision 1; 5B.07; 13.805, subdivision 2; 160.02, by adding a subdivision; 161.081, subdivision 3, as amended, by adding subdivisions; 162.02, by adding a subdivision; 163.051, subdivision 1; 168.011, subdivisions 7, 22; 168.012, subdivision 1, by adding a subdivision; 168.013, by adding a subdivision; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.123, subdivision 2; 168.185; 168.27, by adding a subdivision; 168.28; 168A.01, subdivision 21; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding a subdivision; 168B.08, subdivision 1; 168B.087, subdivision 1; 168D.06; 168D.07; 169.01, subdivisions 6, 31, 55, 76, by adding subdivisions; 169.18, subdivision 5; 169.21, by adding a subdivision; 169.224; 169.306; 169.346, subdivision 5; 169.435; 169.446, subdivision 2; 169.67, subdivision 3; 169.685, subdivisions 5, 6; 169.686, subdivision 1; 169.71, subdivision 4; 169.781, subdivisions 1, 2; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169.87, by adding a subdivision;



169A.03, subdivision 23; 171.01, subdivision 35; 171.02, by adding subdivisions; 171.03; 171.05, subdivision 2b; 171.055, subdivision 2; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.13, subdivision 1, by adding a subdivision; 171.165, subdivision 2; 171.18, subdivision 1; 171.24, by adding a subdivision; 171.29, subdivision 1; 171.321, subdivision 5; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.036, subdivisions 1, 3; 221.221, subdivision 2; 299A.705, subdivision 1; 299D.03, subdivision 1; 299D.06; 325F.6641, subdivisions 1, 2; 357.021, subdivisions 6, 7; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.446, subdivision 2; 473.4461; Minnesota Statutes 2007 Supplement, sections 169.443, subdivision 9; 171.02, subdivisions 2, 2a; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 1, section 6; article 2, sections 1; 3, subdivision 2; article 3, sections 1; 8; article 4, section 2, subdivision 1; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 169; 171; 174; repealing Minnesota Statutes 2006, sections 169.145; 169.446, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 14, insert:

"Sec. 4. Minnesota Statutes 2006, section 13.72, subdivision 11, is amended to read:

Subd. 11. **Design-build transportation project.** When the Department of Transportation undertakes a design-build transportation project as defined in section 161.3410, subdivision 6, the statement of qualification evaluation criteria and scoring methodology, statement of qualification evaluations, technical proposal evaluation criteria and scoring methodology, ~~and~~ technical proposal evaluations, and audio recordings of meetings with proposers are classified as protected nonpublic data with regard to data not on individuals and as confidential data on individuals. The statement of qualification evaluation criteria and scoring methodology and statement of qualification evaluations are public when the Department of Transportation announces the short list of qualified contractors. The technical proposal evaluation criteria, scoring methodology, ~~and~~ technical proposal evaluations, and audio recordings of meetings with proposers are public when the project is awarded."

Page 6, after line 3, insert:

"Sec. 8. Minnesota Statutes 2006, section 161.3420, subdivision 2, is amended to read:

Subd. 2. **Technical Review Committee.** During the phase-one request for qualifications (RFQ) and before solicitation, the commissioner shall appoint a Technical Review Committee of at least five individuals. The Technical Review Committee must include an individual whose name and qualifications are submitted to the commissioner by the Minnesota chapter of the Associated General Contractors, after consultation with other commercial contractor associations in the state. Members of the Technical Review Committee who are not state employees are subject to the Minnesota Government Data Practices Act and section 16C.06 to the same extent that state agencies are subject to those provisions. The commissioner shall pay reasonable compensation to Technical Review Committee members who are not public employees for their services. A minimum of two state employees on the Technical Review Committee must be at the level of senior administrative engineer or above. A Technical Review Committee member may not participate in the review or discussion of responses to an RFQ or request for proposals (RFP) when the member has a financial interest in any of the design-build firms that respond to that RFQ or RFP. "Financial interest" includes, but is not limited to, being or serving as an owner, employee, partner, limited

liability partner, shareholder, joint venturer, family member, officer, or director of a design-build firm responding to an RFQ or RFP for a specific project, or having any other economic interest in that design-build firm. The members of the Technical Review Committee must be treated as state employees in the event of litigation resulting from any action arising out of their service on the committee. The commissioner shall create an audio recording of each meeting that is scheduled or described in the RFP with a proposer.

Sec. 9. Minnesota Statutes 2006, section 161.3420, subdivision 3, is amended to read:

Subd. 3. **Contents.** The commissioner shall prepare or have prepared an RFQ. The RFQ must include the following:

- (1) the minimum qualifications of design-builders necessary to meet the requirements for acceptance;
- (2) a scope of work statement and schedule;
- (3) documents defining the project requirements;
- (4) the form of contract to be awarded;
- (5) the weighted selection criteria for compiling a short list and the number of firms to be included in the short list, which must be at least two but not more than five;
- (6) a description of the request for proposals (RFP) requirements;
- (7) the maximum time allowed for design and construction;
- (8) the commissioner's estimated cost of design and construction;
- (9) requirements for construction experience, design experience, financial, personnel, and equipment resources available from potential design-builders for the project and experience in other design-build transportation projects or similar projects, provided that these requirements may not unduly restrict competition; and
- (10) a statement that "past performance," ~~or~~ "experience," or other criteria used in the RFQ evaluation process does not include the exercise or assertion of a person's legal rights.

Sec. 10. Minnesota Statutes 2006, section 161.3420, subdivision 4, is amended to read:

Subd. 4. **Evaluation.** ~~The selection team~~ Technical Review Committee shall evaluate the design-build qualifications of responding firms and shall compile a short list of no more than five most highly qualified firms in accordance with qualifications criteria described in the request for qualifications (RFQ). If only one design-build firm responds to the RFQ or remains on the short list, the commissioner may readvertise or cancel the project as the commissioner deems necessary.

Sec. 11. Minnesota Statutes 2006, section 161.3422, is amended to read:

**161.3422 RFP FOR DESIGN-BUILD.**

During phase two, the commissioner shall issue a request for proposals (RFP) to the design-builders on the short list. The request must include:

- (1) the scope of work, including (i) performance and technical requirements, (ii) conceptual

design, (iii) specifications, and (iv) functional and operational elements for the delivery of the completed project, which must be prepared by a registered or licensed professional engineer;

(2) a description of the qualifications required of the design-builder and the selection criteria, including the weight ~~or relative order, or both,~~ of each criterion and subcriterion;

(3) copies of the contract documents that the successful proposer will be expected to sign;

(4) the maximum time allowable for design and construction;

(5) the road authority's estimated cost of design and construction;

(6) the requirement that a submitted proposal be segmented into two parts, a technical proposal and a price proposal;

(7) the requirement that each proposal be in a separately sealed, clearly identified package and include the date and time of the submittal deadline;

(8) the requirement that the technical proposal include a critical path method; bar schedule of the work to be performed, or similar schematic; design plans and specifications; technical reports; calculations; permit requirements; applicable development fees; and other data requested in the RFP;

(9) the requirement that the price proposal contain all design, construction, engineering, inspection, and construction costs of the proposed project;

(10) the date, time, and location of the public opening of the sealed price proposals; ~~and~~

(11) other information relevant to the project; and

(12) a statement that "past performance," "experience," or other criteria used in the RFP evaluation process does not include the exercise or assertion of a person's legal rights.

Sec. 12. Minnesota Statutes 2006, section 161.3426, subdivision 1, is amended to read:

Subdivision 1. **Award; computation; announcement.** Except as provided in subdivision 2, a design-build contract shall be awarded as follows:

(a) The Technical Review Committee shall score the technical proposals using the selection criteria in the request for proposals (RFP). The Technical Review Committee shall then submit a technical proposal score for each design-builder to the commissioner. The Technical Review Committee shall reject any ~~proposal it deems~~ nonresponsive proposal.

(b) The commissioner shall announce the technical proposal score for each design-builder and shall publicly open the sealed price proposals and shall divide each design-builder's price by the technical score that the Technical Review Committee has given to it to obtain an adjusted score. For a project with a value in excess of \$10,000,000, as stated in the RFP, the design-builder selected must be that responsive and responsible design-builder whose adjusted score is the lowest score that does not exceed 120 percent of the lowest price that is submitted by a responsive, responsible design-builder.

(c) If a time factor is included with the selection criteria in the RFP package, the commissioner ~~may also adjust the bids using a~~ shall include the value of the time factor established by the commissioner as a criterion within the RFP. ~~The value of the time factor must be expressed as~~

~~a value per day. The adjustment must be based on the total time value. The total time value is the design-builder's total number of days to complete the project multiplied by the factor. The time-adjusted price is the total time value plus the bid amount. This time adjustment to the bids must be used for selection purposes only, and must not affect the Department of Transportation's liquidated damages schedule or incentive or disincentive program. An adjusted score must then be obtained by dividing each design-builder's time-adjusted price by the score given by the technical review team. The commissioner shall select the responsive and responsible design-builder whose adjusted score is the lowest.~~

(d) Unless all proposals are rejected, the commissioner shall award the contract to the responsive and responsible design-builder with the lowest adjusted score. The commissioner shall reserve the right to reject all proposals.

(e) The commissioner shall not limit the ability of design-builders that have submitted proposals to protest a contemplated or actual award by the commissioner by, among other things, unreasonably restricting the time to protest, restricting the right to seek judicial review of the commissioner's actions, attempting to change the judicial standard of review, or attempting to shift the commissioner's costs or damages from a protest to a protestor. Before executing a contract for the project, the commissioner shall wait at least seven days after all of the following have occurred: the award of the project; public disclosure of the Technical Review Committee's scoring data; and public identification of the successful proposal.

Sec. 13. Minnesota Statutes 2006, section 161.3426, subdivision 3, is amended to read:

Subd. 3. **Stipulated fee.** The commissioner shall award a stipulated fee not less than two-tenths of one percent of the department's estimated cost of design and construction to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal. Any increases to the stipulated fee must be made only by the commissioner and the reasons for those changes must be publicly announced at the time of the change. If the commissioner does not award a contract, all short-listed proposers must receive the stipulated fee. If the commissioner cancels the contract before reviewing the technical proposals, the commissioner shall award each design-builder on the short list a stipulated fee of not less than two-tenths of one percent of the commissioner's estimated cost of design and construction. The commissioner shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract without conditions other than those stated in this subdivision. In consideration for paying the stipulated fee, the commissioner may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the commissioner may not use ideas and information contained in that proposer's proposal. Upon the request of the commissioner, a proposer who waived a stipulated fee may withdraw the waiver, in which case the commissioner shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

Sec. 14. Minnesota Statutes 2006, section 161.3426, subdivision 4, is amended to read:

Subd. 4. **Low-bid design-build process.** (a) The commissioner may also use low-bid, design-build procedures to award a design-build contract where the scope of the work can be

clearly defined.

(b) Low-bid design-build projects may require a request for qualifications (RFQ) and short-listing, and must require a request for proposals (RFP).

(c) Submitted proposals under this subdivision must include separately a technical proposal and a price proposal. The low-bid, design-build procedures must follow a two-step process for review of the responses to the RFP as follows:

(1) The first step is the review of the technical proposal by the Technical Review Committee as provided in section 161.3420, subdivision 2. The Technical Review Committee must open the technical proposal first and must determine if it complies with the requirements of the RFP and is responsive. The Technical Review Committee shall reject any nonresponsive proposal. The Technical Review Committee may not perform any ranking or scoring of the technical proposals.

(2) The second step is the determination of the low bidder based on the price proposal. The commissioner may not open the price proposal until the review of the technical proposal is complete.

(d) The contract award under low-bid, design-build procedures must be made to the proposer whose sealed bid is responsive to the technical requirements ~~as determined by the Technical Review Committee and that~~ is also the lowest bid.

(e) A stipulated fee may be paid for unsuccessful bids on low-bid, design-build projects only when the commissioner has required an RFQ and short-listed the most highly qualified responsive bidders.

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

Page 6, line 32, delete the new language

Page 7, delete lines 1 and 2 and insert "Except as provided in paragraph (c), clause (1), a vehicle with a gross vehicle weight rating of 9,000 to 13,000 pounds that is a pickup truck or a van is not a passenger automobile."

Page 7, line 5, delete the new language

Page 7, delete lines 6 and 7

Page 7, line 8, delete the new language and insert "a vehicle that is: (i) a pickup truck or a van; (ii) not used in furtherance of a commercial enterprise; and (iii) not subject to state or federal regulation as a commercial motor vehicle"

Page 41, line 9, delete "105,000" and insert "105,500"

Page 48, delete section 70

Page 61, line 12, delete "Minnesota citizens" and insert "public members"

Page 61, line 15, delete "seven"

Page 61, line 36, delete "does not expire" and insert "expires June 30, 2014"

Page 68, delete section 102 and insert:

"Sec. 109. Minnesota Statutes 2006, section 473.13, subdivision 1a, is amended to read:

Subd. 1a. **Program evaluation.** The budget procedure of the council must include a substantive assessment and evaluation of the effectiveness of each significant program of the council, with, to the extent possible, quantitative information on the status, progress, costs, benefits, and effects of each program. An assessment of progress towards meeting transit goals for people with disabilities must be included, with required elements including, but not limited to:

- (1) a description of proposed program enhancements;
- (2) an assessment of progress;
- (3) identification of the estimated total number of potential and actual riders who are disabled;
- (4) an assessment of the level and type of service required to meet unmet ridership needs; and
- (5) an analysis of costs and revenue options, including a calculation of the amounts of surplus or insufficient funds available for achieving paratransit needs.

The council shall transmit the evaluation to the legislature annually.

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

Pages 70 and 71, delete sections 104 and 105 and insert:

"Sec. 111. Minnesota Statutes 2006, section 473.446, subdivision 2, is amended to read:

Subd. 2. **Transit taxing district.** ~~The metropolitan transit taxing district is hereby designated as that portion of the metropolitan transit area lying within the following named cities, towns, or unorganized territory within the counties indicated:~~

- ~~(a) Anoka County. Anoka, Blaine, Centerville, Columbia Heights, Coon Rapids, Fridley, Circle Pines, Hilltop, Lexington, Lino Lakes, Spring Lake Park;~~
- ~~(b) Carver County. Chanhassen, the city of Chaska;~~
- ~~(c) Dakota County. Apple Valley, Burnsville, Eagan, Inver Grove Heights, Lilydale, Mendota, Mendota Heights, Rosemount, South St. Paul, Sunfish Lake, West St. Paul;~~
- ~~(d) Ramsey County. All of the territory within Ramsey County;~~
- ~~(e) Hennepin County. Bloomington, Brooklyn Center, Brooklyn Park, Champlin, Chanhassen, Crystal, Deephaven, Eden Prairie, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Long Lake, Maple Grove, Medicine Lake, Minneapolis, Minnetonka, Minnetonka Beach, Mound, New Hope, Orono, Osseo, Plymouth, Richfield, Robbinsdale, St. Anthony, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, Woodland, the unorganized territory of Hennepin County;~~
- ~~(f) Scott County. Prior Lake, Savage, Shakopee;~~
- ~~(g) Washington County. Baytown, the city of Stillwater, White Bear Lake, Bayport, Birchwood, Cottage Grove, Dellwood, Lake Elmo, Landfall, Mahtomedi, Newport, Oakdale, Oak Park Heights, Pine Springs, St. Paul Park, Willernie, Woodbury means the metropolitan area.~~

The Metropolitan Council in its sole discretion may provide transit service by contract beyond

~~the boundaries of the metropolitan transit taxing district or to cities and towns within the taxing district which are receiving financial assistance under section 473.388, upon petition therefor by an interested city, township or political subdivision within the metropolitan transit area. The Metropolitan Council may establish such terms and conditions as it deems necessary and advisable for providing the transit service, including such combination of fares and direct payments by the petitioner as will compensate the council for the full capital and operating cost of the service and the related administrative activities of the council. The amount of the levy made by any municipality to pay for the service shall be disregarded when calculation of levies subject to limitations is made, provided that cities and towns receiving financial assistance under section 473.388 shall not make a special levy under this subdivision without having first exhausted the available local transit funds as defined in section 473.388. The council shall not be obligated to extend service beyond the boundaries of the taxing district, or to cities and towns within the taxing district which are receiving financial assistance under section 473.388, under any law or contract unless or until payment therefor is received.~~

**EFFECTIVE DATE.** This section is effective for taxes payable in 2009 and thereafter.

Sec. 112. Minnesota Statutes 2006, section 473.446, subdivision 8, is amended to read:

Subd. 8. **State review.** The commissioner of revenue shall certify the council's levy limitation under this section to the council by August 1 of the levy year. The council must certify its proposed property tax levy under this section to the commissioner of revenue by September 1 of the levy year. The commissioner of revenue shall annually determine whether the property tax for transit purposes certified by the council for levy following the adoption of its proposed budget is within the levy limitation imposed by subdivisions subdivision 1 and 1b. ~~The commissioner shall also annually determine whether the transit tax imposed on all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district is within the levy limitation imposed by subdivision 1a.~~ The determination must be completed prior to September 10 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculations.

**EFFECTIVE DATE.** This section is effective for taxes payable in 2009 and thereafter.

Sec. 113. Laws 1976, chapter 199, section 14, subdivision 1, as amended by Laws 1984, chapter 572, section 3, subdivision 1, is amended to read:

Subdivision 1. **Safety regulation study.** The commissioner of transportation, with the cooperation of representatives of regional and local units of government and law enforcement agencies, the state trail council, the Governor's trail advisory committee, the commissioner of public safety, highway user groups and associations, and cycling groups and associations shall review and analyze problems relating to the operation of bicycles on the public roads and ways.

As part of this review and analysis the commissioner shall review the Minnesota motor vehicle code to identify provisions which give motorists and bicyclists inadequate guidelines where such traffic conflicts or which may be inconsistent or ambiguous when applied to traffic situations involving special bicycle facilities within or adjacent to public streets and highways.

No later than January 15, 1977 the commissioner shall report the results of this review and analysis and recommendations for any necessary action to the legislative committees having

jurisdiction over the subject.

~~Following the completion of the study the advisory committee on bicycling formed by the commissioner under this subdivision shall continue to function under that name in an advisory capacity to make recommendations to the commissioners of transportation and public safety and the legislature on bicycle safety and bicycle education and development programs."~~

Page 72, line 4, delete "piers and"

Page 74, after line 34, insert:

"Sec. 122. **ROAD CONSTRUCTION PROJECT CONTRACT AWARD.**

Subdivision 1. **Application.** This section applies only to a cooperative road construction project described as state project number 6915-129, located on Trunk Highway No. 53, and certain intersecting and adjoining local roads.

Subd. 2. **Federal project funding.** The commissioner of transportation shall make all reasonable efforts, as promptly as possible, to obtain from the Federal Highway Administration a commitment to provide federal-aid highway funding for the state and local units of government involved in state project number 6915-129.

Subd. 3. **Local approval.** The county of St. Louis and the cities of Duluth and Hermantown shall execute all necessary documents, including cooperative construction agreements.

Subd. 4. **Contract award.** Upon receipt of all necessary documents signifying participation of affected local government units, and receipt of assurance of federal-aid highway funding for the project, the commissioner of transportation shall award a contract for construction of the project to the lowest bidder among the bids that were submitted for the project as described in the plans, standard specifications for construction, and special provisions for state project number 6915-129 as represented in the bidding documents on file in the office of the commissioner of transportation for advertisement for bids on May 16, 2008, and reflecting revised contract time, project staging, and modifications.

Subd. 5. **Contract execution.** The lowest bidder may execute the awarded contract no later than ten days after the contract is awarded. If the lowest bidder does not execute the contract within ten days, and waives all claims arising out of any delays connected to the award of the contract and occurring before execution of the contract, the commissioner may readvertise for bids and award the contract as provided in Minnesota Statutes, section 161.32.

Subd. 6. **Contract terms.** The commissioner may amend the contract as provided in the standard specifications for construction. The contract pay items described in the awarded contract for state project number 6915-129 must retain the same unit price specified in the lowest bid received on January 25, 2008, with a contract amount equal to the product of the specified unit prices as bid on January 25, 2008, and the pay item quantities. Pay items in the contract for state project number 6915-129 that are described only in the bidding documents on file in the office of the commissioner of transportation for advertisement on May 16, 2008, must be paid for as "extra work" as provided by standard specification for construction number 1403.

Subd. 7. **Federal funding.** The commissioner of transportation shall proceed with state project number 6915-129, unless a final determination is made by the federal government that costs of this



project will not be reimbursed with federal-aid highway funds.

**EFFECTIVE DATE.** Subdivision 3 is effective the day after the governing bodies of St. Louis County, the city of Duluth, and the city of Hermantown and their chief clerical officers comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3. The remaining subdivisions in this section are effective the day following final enactment."

Page 78, delete line 1 and insert "Minnesota Statutes 2006, sections 161.3426, subdivision 2; 168.123, subdivision 2a; 169.145; 169.446, subdivision 3; and 473.4461, are repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "permits" insert ", design-build construction"

Page 1, line 9, delete "providing for rulemaking" and insert "repealing surcharge for special veteran license plates"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Pogemiller from the Committee on Rules and Administration, to which was re-referred**

**S.F. No. 2818:** A bill for an act relating to environment; establishing principles of a cap and trade program for greenhouse gas emissions; requiring studies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216H.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, delete "[216H.10]"

Page 1, line 8, delete "[216H.12]"

Page 1, line 18, before "section" insert "Minnesota Statutes,"

Page 2, delete lines 7 and 8 and insert:

"(1) three members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, including one member of the minority; and"

Page 5, lines 9 and 12, delete "Minnesota Statutes,"

Page 5, line 10, delete "216H.12" and insert "2" and after "3" insert a comma

Page 5, line 13, delete everything before "3" and insert "sections 2 and"

Amend the title as follows:

Page 1, line 2, delete "establishing principles" and insert "requiring a report on and legislative input in development"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Pogemiller from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03**

**S.F. No. 3193:** A bill for an act relating to adoption; modifying provisions governing access to adoption records and original birth certificates; amending Minnesota Statutes 2006, sections 13.465, subdivision 8; 144.218, subdivision 1; 144.225, subdivision 2; 144.2252; 144.226, subdivision 1; 259.89, subdivision 1; 260C.317, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2006, sections 259.83, subdivision 3; 259.89, subdivisions 2, 3, 4, 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Pogemiller from the Committee on Rules and Administration, to which was re-referred**

**S.F. No. 2211:** A bill for an act relating to elections; establishing districting principles for legislative and congressional plans; providing for appointment of a commission to recommend the boundaries of legislative and congressional districts; amending Minnesota Statutes 2006, section 2.021; proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 2006, section 2.031.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Pogemiller from the Committee on Rules and Administration, to which was re-referred**

**S.F. No. 3488:** A bill for an act relating to natural resources; establishing the Lessard-Heritage Enhancement Council; providing appointments; proposing coding for new law in Minnesota Statutes, chapter 97A.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Pogemiller from the Committee on Rules and Administration, to which was re-referred**

**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; 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; 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 42, delete lines 20 to 21 and insert "two members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, including one member of the minority; one member"

And when so amended the bill do pass. Amendments adopted. Report adopted.

#### **Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 3363:** A bill for an act relating to state government; specifying the development of budget recommendations and requiring state agencies to provide information; amending Minnesota Statutes 2006, section 3.885, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 3.885, subdivision 4, is amended to read:

Subd. 4. **Agencies to cooperate.** All departments, agencies, and education institutions of the executive and judicial branches must comply with a request of the commission for information, data, estimates, and statistics on the funding revenue operations, and other affairs of the department, agency, or education institution. The commissioner of finance and the commissioner of revenue shall provide the commission with full and free access to information, data, estimates, and statistics in the possession of the Finance and Revenue Departments on the state budget, revenue, expenditures,

and tax expenditures. The agency response to a commission request must be in the format specified by the commission in the request, if any.

Sec. 2. Minnesota Statutes 2006, section 3.885, subdivision 5, is amended to read:

Subd. 5. **Duties.** (a) The commission shall:

(1) provide the legislature with research and analysis of current and projected state revenue, state expenditures, and state tax expenditures;

(2) provide the legislature with a report analyzing the governor's proposed levels of revenue and expenditures for biennial budgets submitted under section 16A.11 as well as other supplemental budget submittals to the legislature by the governor;

(3) provide an analysis of the impact of the governor's proposed revenue and expenditure plans for the next biennium;

(4) conduct research on matters of economic and fiscal policy and report to the legislature on the result of the research;

(5) provide economic reports and studies on the state of the state's economy, including trends and forecasts for consideration by the legislature;

(6) conduct budget and tax studies and provide general fiscal and budgetary information;

(7) review and make recommendations on the operation of state programs in order to appraise the implementation of state laws regarding the expenditure of funds and to recommend means of improving their efficiency;

(8) recommend to the legislature changes in the mix of revenue sources for programs, in the percentage of state expenditures devoted to major programs, and in the role of the legislature in overseeing state government expenditures and revenue projections;

(9) make a continuing study and investigation of the building needs of the government of the state of Minnesota, including, but not limited to the following: the current and future requirements of new buildings, the maintenance of existing buildings, rehabilitating and remodeling of old buildings, the planning for administrative offices, and the exploring of methods of financing building and related costs; ~~and~~

(10) develop and make requests to state agencies for budget information and recommendations;  
and

(11) conduct a continuing study of state-local finance, analyzing and making recommendations to the legislature on issues including levels of state support for political subdivisions, basic levels of local need, balances of local revenues and options, relationship of local taxes to individuals' ability to pay, and financial reporting by political subdivisions. In conducting this study, the commission shall consult with the governor, the staff of executive branch agencies, and the governor's Advisory Commission on State-Local Relations.

(b) In performing its duties under paragraph (a), the commission shall consider, among other things:

(1) the relative dependence on state tax revenues, federal funds, and user fees to support state-funded programs, and whether the existing mix of revenue sources is appropriate, given the purposes of the programs;

(2) the relative percentages of state expenditures that are devoted to major programs such as education, assistance to local government, aid to individuals, state agencies and institutions, and debt service; and

(3) the role of the legislature in overseeing state government expenditures, including legislative appropriation of money from the general fund, legislative appropriation of money from funds other than the general fund, state agency receipt of money into revolving and other dedicated funds and expenditure of money from these funds, and state agency expenditure of federal funds.

(c) The commission's recommendations must consider the long-term needs of the state. The recommendations must not duplicate work done by standing committees of the senate and house of representatives.

The commission shall report to the legislature on its activities and recommendations by January 15 of each odd-numbered year.

The commission shall provide the public with printed and electronic copies of reports and information for the legislature. Copies must be provided at the actual cost of furnishing each copy.

Sec. 3. Minnesota Statutes 2006, section 3.885, is amended by adding a subdivision to read:

Subd. 10. **Budget development.** The commission or appropriate committee of the house of representatives or senate may develop budget recommendations to present to the legislature. If the commission or committees proceed with the development of budget recommendations, state agencies must provide information to the commission or committees as requested by the commission to develop those recommendations. That information includes the base budget, information on how the base budget is determined and how it is allocated, recommendations from agency staff for changes in the base level appropriations to improve agency operations and efficiency or to improve or increase efficiency of programs operated by the agency, and responses to proposals for reductions in agency budgets.

Sec. 4. Minnesota Statutes 2006, section 3.885, is amended by adding a subdivision to read:

Subd. 11. **Subcommittee on Government Accountability.** The commission must form a Subcommittee on Government Accountability under section 3.3056 to review recommendations from the commissioner of finance under section 16A.10, subdivision 1c, and to review recommendations from the commissioners of finance and administration on how to improve the use of Minnesota Milestones and other statewide goals and indicators in state planning and budget documents. The subcommittee shall consider testimony from representatives from the following organizations and agencies: (1) nonprofit organizations involved in the preparation of Minnesota Milestones; (2) the University of Minnesota and other higher education institutions; (3) the Department of Finance and other state agencies; and (4) other legislators. The subcommittee shall report to the commission by February 1 of each odd-numbered year with long-range recommendations for the further implementation and uses of Minnesota Milestones and other government accountability improvements.

Sec. 5. Minnesota Statutes 2006, section 3.98, subdivision 4, is amended to read:

Subd. 4. **Uniform procedure.** The commissioner of finance shall prescribe a uniform procedure to govern the departments and agencies of the state in complying with the requirements of this section. The uniform procedure must include a system for posting the date a fiscal note was requested, the requested completion date, and the estimated completion date, as well as the display of those dates on the front page of each completed fiscal note.

Sec. 6. Minnesota Statutes 2006, section 3.98, is amended by adding a subdivision to read:

Subd. 5. **Appeals.** Disputes over the conclusions of a fiscal note for a bill that are not otherwise resolved may be appealed to the Legislative Commission on Planning and Fiscal Policy established in section 3.885. To initiate an appeal, the chair of the house of representatives Committee on Ways and Means or the chair of the senate Committee on Finance shall submit a written notice of appeal to the chair of the Legislative Commission on Planning and Fiscal Policy and to the commissioner of finance, with a copy of the notice also provided to the chief author of the bill. The notice of appeal must identify the analytical conclusions being contested and the reasons for contesting those conclusions. The chair of the Legislative Commission on Planning and Fiscal Policy shall schedule a meeting of the commission to be held no later than five days after the notice of appeal was submitted. The commission may agree to alter the conclusions of a fiscal note. Any revised conclusions are considered the final estimate of the fiscal impact of the bill for the current legislative session, provided that the fiscal elements of the bill remain unchanged from those considered by the commission.

Sec. 7. Minnesota Statutes 2006, section 3.987, subdivision 1, as amended by Laws 2008, chapter 154, article 16, section 1, is amended to read:

Subdivision 1. **Local impact notes.** The commissioner of finance shall coordinate the development of a local impact note for any proposed legislation introduced after June 30, 1997, upon request of the chair or the ranking minority member of either legislative Tax or Finance Committee, or the house of representatives Committee on Ways and Means. Upon receipt of a request to prepare a local impact note, the commissioner must notify the authors of the proposed legislation that the request has been made. The local impact note must be made available to the public upon request. If the action is among the exceptions listed in section 3.988, a local impact note need not be requested nor prepared. The commissioner shall make a reasonable and timely estimate of the local fiscal impact on each type of political subdivision that would result from the proposed legislation. The commissioner of finance may require any political subdivision or the commissioner of an administrative agency of the state to supply in a timely manner any information determined to be necessary to determine local fiscal impact. The political subdivision, its representative association, or commissioner shall convey the requested information to the commissioner of finance with a signed statement to the effect that the information is accurate and complete to the best of its ability. The political subdivision, its representative association, or commissioner, when requested, shall update its determination of local fiscal impact based on actual cost or revenue figures, improved estimates, or both. Upon completion of the note, the commissioner must provide a copy to the authors of the proposed legislation, as well as to the chair and ranking minority member of all committees to which a bill is referred.

Sec. 8. Minnesota Statutes 2006, section 13.605, subdivision 1, is amended to read:

Subdivision 1. **Legislative and budget proposal data.** (a) **Definition.** As used in this section, "state administration" means the governor's office, the Department of Finance, and any state agency

that is under the direct control of the governor.

(b) **Classifications.** Legislative and budget proposals, including preliminary drafts, that are created, collected, or maintained by the state administration are protected nonpublic data. ~~After until the budget is presented to the legislature by the state administration, supporting data, including agency requests, and are public data after the budget is presented to the legislature. Supporting data do not include preliminary drafts.~~ Before the budget is presented to the legislature, legislative and budget proposals must be made available to legislators and legislative staff upon request, but must be treated by the legislators and legislative staff as protected nonpublic data. The state administration may disclose any of the data within the state administration and to the public at any time if disclosure would aid the administration in considering and preparing its proposals.

Sec. 9. Minnesota Statutes 2006, section 16A.10, subdivision 1, is amended to read:

Subdivision 1. **Budget format.** In each even-numbered calendar year the commissioner shall prepare budget forms and instructions for all agencies, including guidelines for reporting agency performance measures, subject to the approval of the governor. In addition to review required under subdivision 1c, the commissioner shall request and receive advisory recommendations from the chairs of the senate Finance Committee and house of representatives Ways and Means Committee before adopting a format for the biennial budget document. By June 15, the commissioner shall send the proposed budget forms to the appropriations and finance committees. The committees have until July 15 to give the commissioner their advisory recommendations on possible improvements. To facilitate this consultation, the commissioner shall establish a working group consisting of executive branch staff and designees of the chairs of the senate Finance and house of representatives Ways and Means Committees. The commissioner must involve this group in all stages of development of budget forms and instructions. The budget format must show actual expenditures and receipts for the three most recent fiscal year years, estimated expenditures and receipts for the current fiscal year, and estimates for each fiscal year of the next biennium. Estimated expenditures must be submitted in writing with information that supports the estimated expenditure, classified by funds and character of expenditures, and may be subclassified by individual agency departments and programs and activities. Agency revenue estimates must show how the estimates were made and what factors were used. Receipts must be classified by funds, programs, and activities. Expenditure and revenue estimates must be based on the law in existence effect at the time the estimates are prepared.

Sec. 10. Minnesota Statutes 2006, section 16A.10, subdivision 1c, is amended to read:

Subd. 1c. **Performance measures for change items.** For each change item in the budget proposal requesting new or increased funding, the budget document must present proposed performance measures that can be used to determine if the new or increased funding is accomplishing its goals. To the extent possible, each budget change item must identify relevant Minnesota Milestones and other statewide goals and indicators related to the proposed initiative. By June 15 of each even-numbered year, the commissioner must report to the Subcommittee on Government Accountability established under section 3.885, subdivision 11, regarding the format and process to be used for the presentation and selection of Minnesota Milestones and other statewide goals and indicators. By July 15 of each even-numbered year, the subcommittee must recommend the format and process for use in the preparation of the budget documents.

Sec. 11. Minnesota Statutes 2006, section 16A.10, subdivision 2, is amended to read:

Subd. 2. ~~By October 15 and November 30~~ **Filing budget estimates.** ~~By October 15 of each~~

~~even-numbered year, an agency must file the following with the commissioner:~~

- ~~(1) budget estimates for the most recent and current fiscal years;~~
- ~~(2) its upcoming biennial budget estimates;~~
- ~~(3) a comprehensive and integrated statement of agency missions and outcome and performance measures; and~~
- ~~(4) a concise explanation of any planned changes in the level of services or new activities.~~

~~The commissioner shall prepare and file the budget estimates for an agency failing to file them. By November 30, Each department, official, or agency shall, no later than the first day of October preceding the convening of the legislature, file with the commissioner and the finance committees of the legislature: (1) its estimates in the form provided, including a full explanation of its requests for any increased appropriations and for the expansion of services and the addition of new activities; (2) a statement of the work accomplished during the preceding biennium and the work proposed to be done for the next biennium; (3) a list of all employees, their titles, and their salaries; and (4) a comprehensive and integrated statement of agency missions and outcome and performance measures. The commissioner shall prepare estimates for all departments, boards, and agencies that fail to file requests. The commissioner shall send the final budget format, agency budget estimates for the next biennium, and copies of the filed material to the Ways and Means and Finance Committees, except that the commissioner shall not be required to transmit information that identifies executive branch budget decision items.~~

Sec. 12. Minnesota Statutes 2006, section 16A.10, is amended by adding a subdivision to read:

Subd. 2a. **Agency budget requests.** Whenever a general solicitation for budget recommendations is communicated to state agencies by the state administration, a copy of that communication and the agency responses to that request must also be provided to the chair of the senate Finance Committee and the chair of the house Ways and Means Committee. All agency budget requests, whether or not included in the governor's budget recommendations, must be documented in a form developed by the commissioner under subdivision 1 and submitted as part of the detailed budget estimates under section 16A.11, subdivision 3.

Sec. 13. Minnesota Statutes 2006, section 16A.103, subdivision 1a, is amended to read:

Subd. 1a. **Forecast parameters.** The forecast must assume the continuation of current laws and reasonable estimates of projected growth in the national and state economies and affected populations. Revenue must be estimated for all sources provided for in current law. Expenditures must be estimated for all obligations imposed by law and those projected to occur as a result of inflation and other variables outside the control of the legislature. ~~Expenditure estimates must not include an allowance for inflation.~~ A general inflation estimate must not include inflation on debt service or on programs for which a statutory growth factor is already included in the forecast.

Sec. 14. Minnesota Statutes 2006, section 16A.103, subdivision 1b, is amended to read:

Subd. 1b. **Forecast variable.** In determining the rate of inflation, the application of inflation, the amount of state bonding as it affects debt service, the calculation of investment income, and the other variables to be included in the expenditure part of the forecast, the commissioner must consult with the chairs and lead minority members of the senate ~~State Government~~ Finance Committee and



the house Ways and Means Committee, and legislative fiscal staff. This consultation must occur at least three weeks before the forecast is to be released. No later than two weeks prior to the release of the forecast, the commissioner must inform the chairs and lead minority members of the senate ~~State Government~~ Finance Committee and the house Ways and Means Committee, and legislative fiscal staff of any changes in these variables from the previous forecast.

Sec. 15. [16A.107] CASH FLOW FORECAST.

Within three weeks after the November forecast of state revenue and expenditures under section 16A.103, the commissioner shall deliver to the governor and the legislature a forecast of cash flow for the general fund, showing the expected maximum and minimum cash balance in the fund for each month of the forecast period.

Sec. 16. Minnesota Statutes 2006, section 16A.11, subdivision 1, is amended to read:

Subdivision 1. **When.** The governor shall submit a three-part budget to the legislature. Parts one and two, the budget message and detailed operating budget, must be submitted by the fourth Tuesday in January in each odd-numbered year. However, in a year following the election of a governor who had not been governor the previous year, parts one and two must be submitted by the third Tuesday in February. Part three, the detailed recommendations as to capital expenditure, must be submitted as follows: agency capital budget requests by July 15 of each odd-numbered year, and governor's recommendations by January 15 of each even-numbered year. Detailed recommendations as to information technology expenditure must be submitted as part of the detailed operating budget. Information technology recommendations must include projects to be funded during the next biennium and planning estimates for an additional two bienniums. Information technology recommendations must specify purposes of the funding such as infrastructure, hardware, software, or training. Any modifications to the operating budget made necessary by the forecast in February of an odd-numbered year must be submitted within two weeks after the forecast.

Sec. 17. Minnesota Statutes 2006, section 16A.11, subdivision 3, is amended to read:

Subd. 3. **Part two: detailed budget.** (a) Part two of the budget, the detailed budget estimates both of expenditures and revenues, must contain any statements on the financial plan which the governor believes desirable or which may be required by the legislature. The detailed estimates shall include the budget request of each department in an agency arranged in tabular form so it may readily be compared with the governor's budget arranged in tabular form for each department or agency.

(b) Tables listing expenditures for the next biennium must show the appropriation base for each year in column form broken down by appropriation allotments at budget activity level relative to proposed appropriation and appropriation allotment levels by budget activity. The appropriation base is the amount appropriated for the second year of the current biennium. The tables must separately show any adjustments to the base required by current law or policies of the commissioner of finance. For forecasted programs, the tables must also show the amount of the forecast adjustments, based on the most recent forecast prepared by the commissioner of finance under section 16A.103. Any appropriation change requested by an agency or a department within an agency must be submitted in writing and include information that supports the requested change. For all programs, the tables must show the agency requests, the amount of appropriation changes recommended by the governor, after adjustments to the base and forecast adjustments, and the total

recommendation of the governor for that year.

(c) The detailed estimates must include a separate line listing the total cost of professional and technical service contracts for the prior biennium and the projected costs of those contracts for the current and upcoming biennium. They must also include a summary of the personnel employed by the agency, reflected as full-time equivalent positions.

(d) The detailed estimates for internal service funds must include the number of full-time equivalents by program; detail on any loans from the general fund, including dollar amounts by program; proposed investments in technology or equipment of \$100,000 or more; an explanation of any operating losses or increases in retained earnings; and a history of the rates that have been charged, with an explanation of any rate changes and the impact of the rate changes on affected agencies.

(e) The detailed estimates must provide a spending trend analysis by program showing at least the three most recent years of actual spending, or as many years of actual spending as are available for new programs.

Sec. 18. Minnesota Statutes 2006, section 16A.11, is amended by adding a subdivision to read:

Subd. 8. **Deficiency requests.** By January 15 of each year, the commissioner of finance must notify the chair and ranking minority member of the senate Finance Committee and the chair and ranking minority member of the house Ways and Means Committee of any state agency requests to eliminate budget shortfalls likely to occur before the end of the legislative session.

Sec. 19. Minnesota Statutes 2007 Supplement, section 16A.152, subdivision 2, is amended to read:

Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general fund revenues and expenditures, the commissioner of finance determines that there will be a positive unrestricted budgetary general fund balance at the close of the biennium, the commissioner of finance must allocate money to the following accounts and purposes in priority order:

(1) the cash flow account established in subdivision 1 until that account reaches \$350,000,000;

(2) the budget reserve account established in subdivision 1a until that account reaches \$653,000,000 an amount equal to five percent of biennial general fund expenditures and transfers for the current biennium;

(3) the amount necessary to increase the aid payment schedule for school district aids and credits payments in section 127A.45 to not more than 90 percent rounded to the nearest tenth of a percent without exceeding the amount available and with any remaining funds deposited in the budget reserve; and

(4) the amount necessary to restore all or a portion of the net aid reductions under section 127A.441 and to reduce the property tax revenue recognition shift under section 123B.75, subdivision 5, paragraph (b), and Laws 2003, First Special Session chapter 9, article 5, section 34, as amended by Laws 2003, First Special Session chapter 23, section 20, by the same amount.

(b) The amounts necessary to meet the requirements of this section are appropriated from the general fund within two weeks after the forecast is released or, in the case of transfers under

paragraph (a), clauses (3) and (4), as necessary to meet the appropriations schedules otherwise established in statute.

(c) To the extent that a positive unrestricted budgetary general fund balance is projected, appropriations under this section must be made before section 16A.1522 takes effect.

(d) The commissioner of finance shall certify the total dollar amount of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of education. The commissioner of education shall increase the aid payment percentage and reduce the property tax shift percentage by these amounts and apply those reductions to the current fiscal year and thereafter.

Sec. 20. Minnesota Statutes 2006, section 16E.01, subdivision 3, is amended to read:

Subd. 3. **Duties.** (a) The office shall:

(1) manage the efficient and effective use of available federal, state, local, and public-private resources to develop statewide information and telecommunications technology systems and services and its infrastructure;

(2) approve state agency and intergovernmental information and telecommunications technology systems and services development efforts involving state or intergovernmental funding, including federal funding, provide information to the legislature regarding projects reviewed, and recommend projects for inclusion in the governor's budget under section 16A.11;

(3) ensure cooperation and collaboration among state and local governments in developing intergovernmental information and telecommunications technology systems and services, and define the structure and responsibilities of a representative governance structure;

(4) cooperate and collaborate with the legislative and judicial branches in the development of information and communications systems in those branches;

(5) continue the development of North Star, the state's official comprehensive online service and information initiative;

(6) promote and collaborate with the state's agencies in the state's transition to an effectively competitive telecommunications market;

(7) collaborate with entities carrying out education and lifelong learning initiatives to assist Minnesotans in developing technical literacy and obtaining access to ongoing learning resources;

(8) promote and coordinate public information access and network initiatives, consistent with chapter 13, to connect Minnesota's citizens and communities to each other, to their governments, and to the world;

(9) promote and coordinate electronic commerce initiatives to ensure that Minnesota businesses and citizens can successfully compete in the global economy;

(10) manage and promote the regular and periodic reinvestment in the information and telecommunications technology systems and services infrastructure so that state and local government agencies can effectively and efficiently serve their customers;

(11) facilitate the cooperative development of and ensure compliance with standards and policies

for information and telecommunications technology systems and services, electronic data practices and privacy, and electronic commerce among international, national, state, and local public and private organizations;

(12) eliminate unnecessary duplication of existing information and telecommunications technology systems and services provided by other public and private organizations while building on the existing governmental, educational, business, health care, and economic development infrastructures;

(13) identify, sponsor, develop, and execute shared information and telecommunications technology projects and ongoing operations; and

(14) ensure overall security of the state's information and technology systems and services.

(b) The chief information officer, in consultation with the commissioner of finance, must determine when it is cost-effective for agencies to develop and use shared information and telecommunications technology systems and services for the delivery of electronic government services. The chief information officer may require agencies to use shared information and telecommunications technology systems and services. The chief information officer shall establish reimbursement rates in cooperation with the commissioner of finance to be billed to agencies and other governmental entities sufficient to cover the actual development, operating, maintenance, and administrative costs of the shared systems. The methodology for billing may include the use of interagency agreements, or other means as allowed by law.

(c) A state agency that has an information and telecommunications technology project with a total expected project cost of more than \$1,000,000, whether funded as part of the biennial budget or by any other means, shall register with the office by submitting basic project startup documentation, as specified by the chief information officer in both format and content, before any project funding is requested or committed and before the project commences. State agency project leaders must demonstrate that the project will be properly managed, provide updates to the project documentation as changes are proposed, and regularly report on the current status of the project on a schedule agreed to with the chief information officer.

(d) The chief information officer shall monitor progress on any active information and telecommunications technology project with a total expected project cost of more than \$5,000,000 and report on the performance of the project in comparison with the plans for the project in terms of time, scope, and budget. The chief information officer may conduct an independent project audit of the project. The audit analysis and evaluation of the projects subject to paragraph (c) must be presented to agency executive sponsors, the project governance bodies, and the chief information officer. All reports and responses must become part of the project record.

(e) For any active information and telecommunications technology project with a total expected project cost of more than \$10,000,000, the state agency must perform an annual independent audit that conforms to published project audit principles promulgated by the office.

(f) The chief information officer shall report by January 15 of each year to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the office regarding projects the office has reviewed under paragraph (a), clause (2). The report must include the reasons for the determinations made in the review of each project and a description of its current status.

Sec. 21. Minnesota Statutes 2006, section 16E.03, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of chapter 16E, the following terms have the meanings given them.

(a) "Information and telecommunications technology systems and services" means all computing and telecommunications hardware and software, the activities undertaken to secure that hardware and software, and the activities undertaken to acquire, transport, process, analyze, store, and disseminate information electronically. "Information and telecommunications technology systems and services" includes all proposed expenditures for computing and telecommunications hardware and software, security for that hardware and software, and related consulting or other professional services.

(b) "Information and telecommunications technology project" means an effort to acquire or produce information and telecommunications technology systems and services.

(c) "Telecommunications" means voice, video, and data electronic transmissions transported by wire, wireless, fiber-optic, radio, or other available transport technology.

(d) "Cyber security" means the protection of data and systems in networks connected to the Internet.

(e) "State agency" means an agency in the executive branch of state government and includes the Minnesota Office of Higher Education, but does not include the Minnesota State Colleges and Universities unless specifically provided elsewhere in this chapter.

(f) "Total expected project cost" includes direct staff costs, all supplemental contract staff and vendor costs, and costs of hardware and software development or purchase. Breaking a project into several phases does not affect the cost threshold, which must be computed based on the full cost of all phases.

Sec. 22. Minnesota Statutes 2006, section 16E.04, subdivision 2, is amended to read:

Subd. 2. **Responsibilities.** (a) In addition to other activities prescribed by law, the office shall carry out the duties set out in this subdivision.

(b) The office shall develop and establish a state information architecture to ensure that state agency development and purchase of information and communications systems, equipment, and services is designed to ensure that individual agency information systems complement and do not needlessly duplicate or conflict with the systems of other agencies. When state agencies have need for the same or similar public data, the chief information officer, in coordination with the affected agencies, shall manage the most efficient and cost-effective method of producing and storing data for or sharing data between those agencies. The development of this information architecture must include the establishment of standards and guidelines to be followed by state agencies. The office shall ensure compliance with the architecture.

(c) The office shall assist state agencies in the planning and management of information systems so that an individual information system reflects and supports the state agency's mission and the state's requirements and functions. The office shall review and approve agency technology plans to ensure consistency with enterprise information and telecommunications technology strategy. By January 15 of each year, the chief information officer must report to the chairs and the

ranking minority members of the legislative committees and divisions with jurisdiction over the office regarding the assistance provided under this paragraph. The report must include a listing of agencies that have developed or are developing plans under this paragraph.

(d) The office shall review and approve agency requests for funding for the development or purchase of information systems equipment or software before the requests may be included in the governor's budget.

(e) The office shall review major purchases of information systems equipment to:

(1) ensure that the equipment follows the standards and guidelines of the state information architecture;

(2) ensure the agency's proposed purchase reflects a cost-effective policy regarding volume purchasing; and

(3) ensure that the equipment is consistent with other systems in other state agencies so that data can be shared among agencies, unless the office determines that the agency purchasing the equipment has special needs justifying the inconsistency.

(f) The office shall review the operation of information systems by state agencies and ensure that these systems are operated efficiently and securely and continually meet the standards and guidelines established by the office. The standards and guidelines must emphasize uniformity that is cost-effective for the enterprise, that encourages information interchange, open systems environments, and portability of information whenever practicable and consistent with an agency's authority and chapter 13.

(g) The office shall conduct a comprehensive review at least every three years of the information systems investments that have been made by state agencies and higher education institutions. The review must include recommendations on any information systems applications that could be provided in a more cost-beneficial manner by an outside source. The office must report the results of its review to the legislature and the governor.

Sec. 23. Minnesota Statutes 2007 Supplement, section 181.932, subdivision 1, is amended to read:

Subdivision 1. **Prohibited action.** An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

(a) the employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal or state law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;

(b) the employee is requested by a public body or office to participate in an investigation, hearing, inquiry;

(c) the employee refuses an employer's order to perform an action that the employee has an objective basis in fact to believe violates any state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason;

(d) the employee, in good faith, reports a situation in which the quality of health care services provided by a health care facility, organization, or health care provider violates a standard established by federal or state law or a professionally recognized national clinical or ethical standard and potentially places the public at risk of harm; or

(e) a public employee communicates the findings of a scientific or technical study that the employee, in good faith, believes to be truthful and accurate, including reports to a governmental body or law enforcement official; or

(f) a state employee communicates to a legislator or constitutional officer information that the employee, in good faith, believes to be truthful and accurate regarding ways to improve state services.

The disclosures protected pursuant to this section do not authorize the disclosure of data otherwise protected by law.

Sec. 24. Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended by Laws 2007, chapter 29, section 1, subdivision 4, is amended to read:

Subd. 4. **Duties.** The commission shall have the following duties:

(1) to present to the governor and legislature a plan for grants to pay for capital improvements on Minnesota's historic public and private buildings, to be known as sesquicentennial grants;

(2) to seek funding for activities to celebrate the 150th anniversary of statehood, and to form partnerships with private parties to further this mission;

(3) to present an annual report to the governor and legislature outlining progress made towards the celebration of the sesquicentennial; ~~and~~

(4) to encourage all activities celebrating the sesquicentennial to be as energy efficient as practicable; and

(5) to use the results of the Sesquicentennial Plan for Our Future project to help provide feedback on the selection and use of Minnesota Milestones goals and indicators.

**Sec. 25. WORKING GROUP FOR MINNESOTA MILESTONES PROCESS AND INDICATORS.**

By June 1, 2008, the commissioner of finance shall convene a working group of state agency staff, legislative staff, and other interested parties to assist in the preparation of recommendations for the Minnesota Milestones report required under Minnesota Statutes, section 16A.10, subdivision 1c. The working group shall consider collaborative opportunities with community organizations and higher education institutions. The working group expires 30 days after the commissioner has submitted recommendations required under Minnesota Statutes, section 16A.10, subdivision 1c.

**Sec. 26. REPEALER.**

Minnesota Statutes 2006, sections 16A.152, subdivision 1b; and 16A.1522, subdivision 4, are repealed.

**Sec. 27. EFFECTIVE DATE.**

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state government; improving access to budget information by members of the legislature; specifying the development of budget recommendations and requiring state agencies to provide information; establishing a subcommittee of the Legislative Commission on Planning and Fiscal Policy; requiring disclosure of status of fiscal note requests; providing for appeal of fiscal note conclusions; modifying state budget requirements; incorporating Minnesota Milestones goals and indicators in budget preparation; requiring commissioner of finance to adjust for projected inflation in forecasting state expenditures; requiring a forecast of cash flow for the general fund; providing deadline for modifying budget after February forecast; specifying format for detailed budget estimates of expenditures; imposing deadline for notice of deficiency requests; providing a process to increase the budget reserve; requiring state agencies with certain information and telecommunications technology projects to register with the Office of Enterprise Technology and requiring the office to monitor progress on the projects; requiring the Office of Enterprise Technology to report to the legislature regarding its approval process for state agency technology requests and assistance provided to state agencies in developing agency information systems plans; providing additional whistleblower protection to state employees; providing additional duties for the Sesquicentennial Commission; establishing a working group; eliminating obsolete requirements; amending Minnesota Statutes 2006, sections 3.885, subdivisions 4, 5, by adding subdivisions; 3.98, subdivision 4, by adding a subdivision; 3.987, subdivision 1; 13.605, subdivision 1; 16A.10, subdivisions 1, 1c, 2, by adding a subdivision; 16A.103, subdivisions 1a, 1b; 16A.11, subdivisions 1, 3, by adding a subdivision; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.04, subdivision 2; Minnesota Statutes 2007 Supplement, sections 16A.152, subdivision 2; 181.932, subdivision 1; Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2006, sections 16A.152, subdivision 1b; 16A.1522, subdivision 4."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Pogemiller, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2904** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2904	2607				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2904 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2904; and insert the language after the enacting clause of S.F. No. 2607, the second engrossment; further, delete the title of H.F. No. 2904; and insert the title of S.F. No. 2607, the second engrossment.



And when so amended H.F. No. 2904 will be identical to S.F. No. 2607, and further recommends that H.F. No. 2904 be given its second reading and substituted for S.F. No. 2607, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Pogemiller, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3569** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3569	3300				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3569 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3569, the first engrossment; and insert the language after the enacting clause of S.F. No. 3300, the second engrossment; further, delete the title of H.F. No. 3569, the first engrossment; and insert the title of S.F. No. 3300, the second engrossment.

And when so amended H.F. No. 3569 will be identical to S.F. No. 3300, and further recommends that H.F. No. 3569 be given its second reading and substituted for S.F. No. 3300, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 3223, 2818, 3193, 2211, 3488, 3683 and 3363 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. Nos. 2904 and 3569 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Senator Berglin moved that the name of Senator Prettner Solon be added as a co-author to S.F. No. 3835. The motion prevailed.

Senator Bonoff moved that the name of Senator Marty be added as a co-author to S.F. No. 3828. The motion prevailed.

**Senator Saltzman introduced –**

**Senate Resolution No. 188:** A Senate resolution congratulating Minna Zhou of Woodbury, Minnesota, on receiving the 2007 Young Women of Distinction Award by the Girl Scouts of the U.S.A.

Referred to the Committee on Rules and Administration.

Senator Hann moved that his name be stricken as a co-author to S.F. No. 3001. The motion prevailed.

Senator Vickerman moved that S.F. No. 2983, No. 25 on General Orders, be stricken and returned to its author. The motion prevailed.

Senator Rest moved that S.F. No. 3193, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senators Saxhaug and Skogen introduced–**

**S.F. No. 3836:** A bill for an act relating to natural resources; providing for the outdoor heritage fund; proposing coding for new law in Minnesota Statutes, chapter 97A.

Referred to the Committee on Environment and Natural Resources.

**Senators Saltzman, Torres Ray, Latz and Wiger introduced–**

**S.F. No. 3837:** A bill for an act relating to education; compelling children under seven who enroll in first grade in public school to remain enrolled; amending Minnesota Statutes 2006, section 120A.22, subdivisions 5, 6.

Referred to the Committee on Education.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the Calendar. The motion prevailed.

**CALENDAR**

**S.F. No. 3698:** A bill for an act relating to energy; allowing utilities to make conservation improvement expenditures for certain solar energy projects; amending Minnesota Statutes 2006,

section 216B.2411, subdivision 2; Minnesota Statutes 2007 Supplement, sections 216B.241, by adding a subdivision; 216B.2411, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Kubly	Olson, M.	Sheran
Bakk	Erickson Ropes	Langseth	Pappas	Sieben
Berglin	Fischbach	Larson	Pariseau	Skoe
Betzold	Foley	Latz	Pogemiller	Skogen
Bonoff	Frederickson	Limmer	Prettner Solon	Sparks
Carlson	Gerlach	Lourey	Rest	Stumpf
Chaudhary	Gimse	Lynch	Robling	Tomassoni
Clark	Hann	Marty	Rosen	Torres Ray
Cohen	Higgins	Metzen	Rummel	Vandever
Dahle	Ingebrigtsen	Michel	Saltzman	Vickerman
Day	Johnson	Moua	Saxhaug	Wergin
Dibble	Koch	Olseen	Scheid	Wiger
Dille	Koering	Olson, G.	Senjem	

Those who voted in the negative were:

Jungbauer

So the bill passed and its title was agreed to.

**H.F. No. 3500:** A bill for an act relating to business organizations; proposing technical amendments to the Business Corporations Act, the Limited Liability Company Act, and the Uniform Limited Partnership Act of 2001; authorizing the formation of nonprofit limited liability companies; amending Minnesota Statutes 2006, sections 302A.011, subdivisions 17, 50; 302A.111, subdivisions 2, 3, 4; 302A.231, subdivisions 2, 3; 302A.237; 302A.241, subdivision 1; 302A.255, subdivision 1; 302A.449, subdivision 3; 302A.471, subdivision 3; 302A.521, subdivision 1; 302A.553, subdivision 1; 302A.701; 302A.721; 321.1206; 322B.03, subdivisions 20, 32, by adding a subdivision; 322B.10; 322B.11; 322B.35, subdivision 3; 322B.363, subdivision 3; 322B.643, subdivisions 2, 3; 322B.66, subdivision 1; 322B.666, subdivision 1; 322B.699, subdivision 1; 322B.78; 322B.80, subdivision 1; 322B.806; 322B.90, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Foley	Jungbauer	Lourey
Bakk	Dahle	Frederickson	Koch	Lynch
Berglin	Day	Gerlach	Koering	Marty
Betzold	Dibble	Gimse	Kubly	Metzen
Bonoff	Dille	Hann	Langseth	Michel
Carlson	Doll	Higgins	Larson	Moua
Chaudhary	Erickson Ropes	Ingebrigtsen	Latz	Olseen
Clark	Fischbach	Johnson	Limmer	Olson, G.

Olson, M.  
Pappas  
Pariseau  
Pogemiller  
Prettner Solon

Rest  
Robling  
Rosen  
Rummel  
Saltzman

Saxhaug  
Scheid  
Senjem  
Sheran  
Sieben

Skoe  
Skogen  
Sparks  
Stumpf  
Tomassoni

Torres Ray  
Vickerman  
Wergin  
Wiger

Those who voted in the negative were:

Vandev eer

So the bill passed and its title was agreed to.

### RECESS

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Lourey moved that the following members be excused for a Conference Committee on H.F. No. 3662 from 1:45 to 3:20 p.m.:

Senators Lourey, Olseen and Wergin. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the General Orders Calendar. The motion prevailed.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Betzold reported that the committee had considered the following:

S.F. No. 2795 and H.F. No. 2896, which the committee recommends to pass.

S.F. No. 2965, which the committee recommends to pass, subject to the following motions:

Senator Higgins moved to amend S.F. No. 2965 as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2006, section 257.56, is amended to read:

#### **257.56 ARTIFICIAL INSEMINATION ASSISTED REPRODUCTION.**

Subdivision 1. **Husband Intended parents treated as biological father parents.** If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated

~~artificially with semen donated by a man not her husband, the husband is treated in law as if he were the biological father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife.~~ (a) If a woman undergoing artificial insemination under the supervision of a licensed physician and with the consent of the other intended parent, if any, is inseminated using semen from a donor other than an intended parent, the other intended parent is treated in law as the biological parent of a child thereby conceived.

(b) The intended parents are treated in law as if they were the biological parents of a child gestated and delivered if a woman undergoing embryo transfer is under the supervision of a licensed physician and has the consent of the other intended parent, if any, and:

(1) the embryos are created with eggs and sperm donated by persons who are not the intended parents; or

(2) the embryos are created with eggs donated by a woman who is not the intended parent and the sperm of an intended parent.

~~The~~ (c) Intended parents must consent in a record that they intend to become the legal parents of the resulting child. A consent must be retained by the physician for at least four years after the confirmation of a pregnancy that occurs during the process of artificial insemination or embryo transfer.

(d) All papers and records pertaining to the insemination or embryo transfer, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

**Subd. 2. Donor not treated as biological father parent.** If the donor of semen, eggs, or embryos provided to a licensed physician for use in ~~artificial insemination of a married woman other than the donor's wife~~ assisted reproduction is not an intended parent, the donor is treated in law as if he were not the biological father parent of a child thereby conceived, gestated, and delivered.

**Subd. 3. Effect of noncompliance.** In the event of noncompliance with any of the requirements or terms of subdivision 1, a court of competent jurisdiction shall determine the respective parental rights and obligations of the parties, including the intended parents and donors, based solely on evidence of the parties' original intent.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to donations made before, on, or after the effective date."

Page 2, line 16, delete "257.86" and insert "257.87"

Page 3, lines 7 and 24, delete "257.86" and insert "257.87"

Page 3, delete lines 28 to 31 and insert:

"(1) the intended parents are the parents of the child for purposes of state law immediately upon the birth of the child;"

Page 3, line 32, delete "(3)" and insert "(2)"

Page 3, line 34, delete "(4)" and insert "(3)"

Page 4, line 1, delete "(5)" and insert "(4)"

Page 4, line 3, delete "(6)" and insert "(5)"

Page 4, line 19, delete "257.86" and insert "257.87"

Page 4, line 32, delete the semicolon and insert a comma

Page 5, line 1, delete "257.86" and insert "257.87"

Page 7, line 10, delete "257.86" and insert "257.87"

Page 8, lines 5, 6, and 13, delete "257.86" and insert "257.87"

Page 9, line 1, delete "14" and insert "13"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Gerlach moved to amend S.F. No. 2965 as follows:

Page 7, after line 4, insert:

"A term of a gestational carrier contract that requires the gestational carrier to terminate the pregnancy is void and unenforceable."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Day	Hann	Limmer	Pariseau	Sparks
Dille	Ingebrigtsen	Lynch	Robling	Stumpf
Fischbach	Johnson	Michel	Rosen	Vandever
Frederickson	Jungbauer	Olson, G.	Saltzman	Vickerman
Gerlach	Koch	Olson, M.	Senjem	Wergin
Gimse	Koering	Ortman	Sheran	

Those who voted in the negative were:

Anderson	Cohen	Kubly	Moua	Scheid
Bakk	Dahle	Langseth	Olseen	Sieben
Berglin	Dibble	Larson	Pappas	Skoe
Betzold	Doll	Latz	Pogemiller	Skogen
Bonoff	Erickson Ropes	Lourey	Prettner Solon	Tomassoni
Carlson	Foley	Marty	Rummel	Torres Ray
Chaudhary	Higgins	Metzen	Saxhaug	Wiger

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

Senator Vandever moved that S.F. No. 2965 be re-referred to the Committee on Commerce and Consumer Protection.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 23 and nays 42, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Ortman	Vandev eer
Dille	Hann	Koering	Pariseau	Vickerman
Fischbach	Ingebrigtsen	Limmer	Robling	Wergin
Frederickson	Johnson	Michel	Rosen	
Gerlach	Jungbauer	Olson, G.	Senjem	

Those who voted in the negative were:

Anderson	Dahle	Latz	Pappas	Skogen
Bakk	Dibble	Lourey	Prettner Solon	Sparks
Berglin	Doll	Lynch	Rummel	Stumpf
Betzold	Erickson Ropes	Marty	Saltzman	Tomassoni
Bonoff	Foley	Metzen	Saxhaug	Torres Ray
Carlson	Higgins	Moua	Scheid	Wiger
Chaudhary	Kubly	Murphy	Sheran	
Clark	Langseth	Olseen	Sieben	
Cohen	Larson	Olson, M.	Skoe	

The motion did not prevail.

The question was taken on the recommendation to pass S.F. No. 2965.

The roll was called, and there were yeas 42 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Latz	Pappas	Skoe
Bakk	Dibble	Lourey	Pogemiller	Skogen
Berglin	Doll	Lynch	Prettner Solon	Sparks
Betzold	Erickson Ropes	Marty	Rummel	Tomassoni
Bonoff	Foley	Metzen	Saltzman	Torres Ray
Carlson	Higgins	Moua	Saxhaug	Wiger
Chaudhary	Kubly	Murphy	Scheid	
Clark	Langseth	Olseen	Sheran	
Cohen	Larson	Olson, M.	Sieben	

Those who voted in the negative were:

Day	Gimse	Koch	Ortman	Senjem
Dille	Hann	Koering	Pariseau	Stumpf
Fischbach	Ingebrigtsen	Limmer	Rest	Vandev eer
Frederickson	Johnson	Michel	Robling	Vickerman
Gerlach	Jungbauer	Olson, G.	Rosen	Wergin

The motion prevailed. So S.F. No. 2965 was recommended to pass.

S.F. No. 3001, which the committee recommends to pass, subject to the following motions:

Senator Wiger moved to amend S.F. No. 3001 as follows:

Page 8, after line 16, insert:

"Sec. 3. Minnesota Statutes 2006, section 120A.22, subdivision 5, is amended to read:

Subd. 5. **Ages and terms.** (a) For the 2008-2009, 2009-2010, and 2010-2011 school years, every child between age seven and 16 years of age must receive instruction. For the 2011-2012 and later school years, every child between age seven or enrollment in first grade and 18 years of age must receive instruction unless the child has completed the requirements for graduation. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction. Except as provided in subdivision 6, a parent may withdraw a child under the age of seven from enrollment at any time.

(b) A school district by annual board action may require children subject to this subdivision to receive instruction in summer school. A district that acts to require children to receive instruction in summer school shall establish at the time of its action the criteria for determining which children must receive instruction.

Sec. 4. Minnesota Statutes 2006, section 120A.24, subdivision 1, is amended to read:

Subdivision 1. **Reports to superintendent.** The person in charge of providing instruction to a child between the ages of seven and 16 must submit the following information to the superintendent of the district in which the child resides:

(1) by October 1 of each school year, the name, birth date, and address of each child receiving instruction;

(2) the name of each instructor and evidence of compliance with one of the requirements specified in section 120A.22, subdivision 10; and

(3) an annual instructional calendar; ~~and~~

~~(4) for each child instructed by a parent who meets only the requirement of section 120A.22, subdivision 10, clause (6), a quarterly report card on the achievement of the child in each subject area required in section 120A.22, subdivision 9.~~

Sec. 5. Minnesota Statutes 2006, section 120A.24, subdivision 2, is amended to read:

Subd. 2. **Availability of documentation.** The person in charge of providing instruction to a child must make available documentation indicating that the subjects required in section 120A.22, subdivision 9, are being taught. This documentation must include class schedules, copies of materials used for instruction, and descriptions of methods used to assess student achievement and for each child instructed by a parent who meets only the requirement of section 120A.22, subdivision 10, clause (6), a copy of a quarterly report card on the achievement of the child in each subject area required in section 120A.22, subdivision 9."

Page 34, after line 2, insert:

"Sec. 33. Minnesota Statutes 2006, section 124D.68, subdivision 2, is amended to read:

Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation incentives program, if the pupil:

(1) performs substantially below the performance level for pupils of the same age in a locally determined achievement test;

(2) is at least one year behind in satisfactorily completing coursework or obtaining credits for graduation;

(3) is pregnant or is a parent;

(4) has been assessed as chemically dependent;

(5) has been excluded or expelled according to sections 121A.40 to 121A.56;



(6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;

(7) is a victim of physical or sexual abuse;

(8) has experienced mental health problems;

(9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program;

(10) speaks English as a second language or has limited English proficiency; or

(11) has withdrawn from school or has been chronically truant; or

(12) is being treated in a hospital in the seven-county metropolitan area for cancer or other life threatening illness or is the sibling of an eligible pupil who is being currently treated, and resides with the pupil's family at least 60 miles beyond the outside boundary of the seven-county metropolitan area.

(b) A pupil who is between the ages of 16 and 21 who meets the criteria of paragraph (a), clause (2), (5), or (11), may be assigned to an area learning center by the district only after consultation with the pupil and their parent.

**EFFECTIVE DATE.** This section is effective for the 2011-2012 school year and later."

Page 35, after line 11, insert:

"Sec. 35. Minnesota Statutes 2006, section 260C.007, subdivision 19, is amended to read:

Subd. 19. **Habitual truant.** "Habitual truant" means a child under the age of ~~16~~ 18 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, ~~or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under section 120A.22, subdivision 8.~~

**EFFECTIVE DATE.** This section is effective for the 2011-2012 school year and later."

Page 36, delete section 36 and insert:

"Sec. 41. **REPEALER.**

(a) Minnesota Statutes 2006, section 120A.22, subdivision 8, is repealed effective for the 2011-2012 school year and later.

(b) Minnesota Statutes 2006, section 121A.23, is repealed effective for the 2008-2009 school year and later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 3001 as follows:

Page 36, delete section 35

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 45 and nays 18, as follows:

Those who voted in the affirmative were:

Bakk	Doll	Jungbauer	Moua	Senjem
Betzold	Erickson Ropes	Koch	Olseen	Sheran
Bonoff	Fischbach	Koering	Olson, G.	Sieben
Carlson	Frederickson	Larson	Olson, M.	Skoe
Chaudhary	Gerlach	Latz	Pariseau	Sparks
Clark	Gimse	Limmer	Rest	Vandever
Dahle	Hann	Lynch	Robling	Vickerman
Day	Ingebrigtsen	Metzen	Rosen	Wergin
Dille	Johnson	Michel	Saltzman	Wiger

Those who voted in the negative were:

Anderson	Higgins	Marty	Saxhaug	Tomassoni
Cohen	Kubly	Murphy	Scheid	Torres Ray
Dibble	Langseth	Pappas	Skogen	
Foley	Lourey	Prettner Solon	Stumpf	

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 3001 as follows:

Page 36, after line 9, insert:

"Sec. 36. **2009-2010 SCHOOL YEAR START DATE.**

The school calendar requirement under Minnesota Statutes, section 120A.40, does not apply to a school district for the 2009-2010 school year only."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Berglin	Doll	Jungbauer	Pappas	Sieben
Betzold	Fischbach	Kubly	Pogemiller	Wergin
Bonoff	Foley	Latz	Rest	Wiger
Carlson	Frederickson	Lynch	Rosen	
Clark	Gimse	Marty	Rummel	
Cohen	Hann	Michel	Saltzman	
Dahle	Higgins	Olseen	Sheran	

Those who voted in the negative were:

Anderson	Gerlach	Limmer	Pariseau	Skogen
Bakk	Ingebrigtsen	Lourey	Prettner Solon	Sparks
Chaudhary	Johnson	Metzen	Robling	Stumpf
Day	Koch	Moua	Saxhaug	Tomassoni
Dibble	Koering	Murphy	Scheid	Torres Ray
Dille	Langseth	Olson, G.	Senjem	Vandever
Erickson Ropes	Larson	Olson, M.	Skoe	Vickerman

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

Senator Skogen moved to amend S.F. No. 3001 as follows:

Page 19, delete section 12

Page 36, delete section 36

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Dahle	Hann	Limmer	Robling	Stumpf
Day	Ingebrigtsen	Lynch	Rosen	Vandever
Fischbach	Johnson	Murphy	Saltzman	Vickerman
Frederickson	Jungbauer	Olseen	Senjem	Wergin
Gerlach	Koch	Olson, G.	Skogen	
Gimse	Koering	Pariseau	Sparks	

Those who voted in the negative were:

Anderson	Cohen	Langseth	Olson, M.	Sieben
Bakk	Dibble	Larson	Pappas	Skoe
Berglin	Dille	Latz	Pogemiller	Tomassoni
Betzold	Doll	Lourey	Prettner Solon	Torres Ray
Bonoff	Erickson Ropes	Marty	Rummel	Wiger
Carlson	Foley	Metzen	Saxhaug	
Chaudhary	Higgins	Michel	Scheid	
Clark	Kubly	Moua	Sheran	

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

Senator Saltzman moved to amend S.F. No. 3001 as follows:

Page 45, after line 3, insert:

**"Sec. 5. TRENDS IN INTERNATIONAL MATHEMATICS AND SCIENCE STUDY (TIMSS) DATA RELEASE.**

The commissioner of education shall remit to Boston College a written statement allowing for the release of preliminary data on the TIMSS international assessment of student achievement in mathematics and science to SciMathMN that would otherwise be embargoed until December 9, 2008. The commissioner shall work with SciMathMN and Boston College to establish the appropriate timeline for release of preliminary data.

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 3001 as follows:

Page 34, after line 2, insert:

"Sec. 30. Minnesota Statutes 2006, section 124D.86, is amended by adding a subdivision to read:

Subd. 7. **Integration revenue alternative plan.** Notwithstanding subdivisions 1, 1a, and 1b, a school district that files a plan and budget with the commissioner of education to demonstrably close or narrow the academic achievement gap through the provision of direct assistance to students, may use its existing integration revenue under this section to implement the district's achievement gap plan."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Prettner Solon moved to amend S.F. No. 3001 as follows:

Page 20, after line 20, insert:

"Sec. 13. [121A.232] INFORMATION ON PRETEEN IMMUNIZATIONS.

(a) If, at any time during a school year, a public or private school provides information on immunizations, infectious disease, medications, or other school health issues to parents and legal guardians of pupils in grades 6, 9, or 12, the school is required to include with that information the following:

(1) information about meningococcal meningitis and the vaccine for meningococcal meningitis, including the causes and symptoms of meningococcal meningitis, how it is spread, and sources where parents and legal guardians may obtain additional information about meningococcal meningitis and may obtain vaccination of a child against meningococcal meningitis; and

(2) information about human papillomavirus and the vaccine for human papillomavirus, including the risks associated with human papillomavirus; the availability, effectiveness, and potential risks of immunization for human papillomavirus; and sources where parents and legal guardians may obtain additional information about human papillomavirus and may obtain vaccination of a child against human papillomavirus.

(b) The Department of Education, in cooperation with the Department of Health, shall develop and make available to school districts, public schools, and private schools information that meets the requirements of paragraph (a), clauses (1) and (2). The department shall do this in the manner the department deems to be the most cost effective and programmatically effective, which shall include at the very least, posting the information on the department's Web site."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kubly moved to amend S.F. No. 3001 as follows:

Page 36, after line 9, insert:

"Sec. 36. LAKEVIEW SCHOOL DISTRICT; TESTING.

Notwithstanding any other law to the contrary, Independent School District No. 2167, Lakeview, is exempt from any consequences from not making adequate yearly progress for the 2008-2009 school year only."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3001 was then recommended to pass.

S.F. No. 3170, which the committee recommends to pass, subject to the following motions:

Senator Torres Ray moved to amend S.F. No. 3170 as follows:

Page 3, line 27, before "license" insert "parent provides the" and strike "has" and insert "with"

Page 5, line 22, strike "250" and insert "67" and strike "the federal poverty" and insert "state median income"

Page 5, line 23, strike "guidelines"

Page 5, line 26, strike "175" and insert "47" and strike "the federal poverty" and insert "state median income"

Page 5, line 27, strike everything before the first comma and strike "250" and insert "67" and strike "the"

Page 5, line 28, strike "federal poverty guidelines" and insert "state median income"

The motion prevailed. So the amendment was adopted.

Senator Wergin moved to amend S.F. No. 3170 as follows:

Page 3, delete section 4

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 42, as follows:

Those who voted in the affirmative were:

Day  
Fischbach

Frederickson  
Gerlach

Gimse  
Hann

Johnson  
Jungbauer

Koch  
Kubly

Limmer  
Michel

Pariseau  
Robling

Rosen  
Senjem

Skoe  
Skogen

Vandever  
Wergin

Those who voted in the negative were:

Anderson  
Bakk  
Berglin  
Betzold  
Bonoff  
Carlson  
Chaudhary  
Clark  
Cohen

Dahle  
Dibble  
Dille  
Doll  
Erickson Ropes  
Higgins  
Langseth  
Larson  
Latz

Lourey  
Lynch  
Marty  
Metzen  
Moua  
Murphy  
Olseen  
Olson, M.  
Pappas

Pogemiller  
Prettner Solon  
Rest  
Rummel  
Saltzman  
Saxhaug  
Scheid  
Sheran  
Sieben

Sparks  
Stumpf  
Tomassoni  
Torres Ray  
Vickerman  
Wiger

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

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### MEMBERS EXCUSED

Senator Vandever was excused from the Session of today from 12:00 noon to 12:35 p.m. Senator Ortman was excused from the Session of today from 12:00 noon to 12:45 p.m. and at 4:30 p.m. Senators Bonoff and Sieben were excused from the Session of today from 12:15 to 12:20 p.m. Senator Rest was excused from the Session of today from 1:25 to 3:10 p.m. Senator Koering was excused from the Session of today at 5:05 p.m.

### ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, April 17, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

# INDEX TO DAILY JOURNAL

Wednesday, April 16, 2008

## MESSAGES FROM THE HOUSE AND FIRST READING OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
1018	8655	2837	8661	8662
1436	8655	3372	8661	8662
1578	8656			
1918	8656			
2667	8657			
2755	8655			
2765	8658			
2806	8655			
2822	8661			
2822	8661			
2915	8659			
3070	8655			
3082	8660			
3084	8655			
3135	8655			
3202	8655			
3362	8655			
3397	8655			
3622	8655			

## CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
1578	8656		
1918	8657		
2667	8658		
2765	8659		
2915	8659		
3082	8660		

## REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
2211	8672	8687	2904	8686	8687
2818	8671	8687	3569	8687	8687
3193	8672	8687			
3223	8662	8687			

3363 .....	8673	8687
3488 .....	8672	8687
3683 .....	8672	8687

**MOTIONS AND RESOLUTIONS**

S.F. Nos.	Page	H.F. Nos.	Page
2983 .....	8688		
3001 .....	8688		
3193 .....	8688		
3828 .....	8687		
3835 .....	8687		
2965.....	8692		
Sen. Res.			
No. 188 .....	8688		

**CALENDAR**

S.F. Nos.	Page	H.F. Nos.	Page
3698 .....	8688	3500 .....	8689

**GENERAL ORDERS**

S.F. Nos.	Page	H.F. Nos.	Page
2795 .....	8690	2896 .....	8690
2965 .....	8690		
3001 .....	8693		
3170 .....	8699		

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

S.F Nos. 3836 to 3837 .....	Page 8688
-----------------------------	-----------