

ONE HUNDRED SIXTH DAY

St. Paul, Minnesota, Wednesday, April 23, 2008

The Senate met at 11:00 a.m. 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. Dr. Michael Wyatt.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 21, 2008

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the

Secretary of State, S.F. Nos. 3474, 2930 and 1578.

Sincerely,
Tim Pawlenty, Governor

April 21, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2008 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2008	Date Filed 2008
3474		209	11:40 a.m. April 21	April 21
2930		210	11:41 a.m. April 21	April 21
1578		211	11:45 a.m. April 21	April 21

Sincerely,
Mark Ritchie
Secretary of State

April 23, 2008

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on Agriculture and Veterans, to which were referred the following appointments as reported in the Journal for April 11, 2007:

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

William H. Tendle, Jr.
William A. Wroolie, Jr.

Sincerely,
Patrick E. Flahaven
Secretary of the Senate

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. 3154, 3214, 3342 and 2403.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 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. 2597: A bill for an act relating to education; requiring school boards to seek information from prospective teachers and the Board of Teaching about disciplinary actions against the teachers; amending Minnesota Statutes 2006, section 123B.03, subdivision 2, by adding a subdivision.

Senate File No. 2597 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2008

Senator Saltzman moved that the Senate do not concur in the amendments by the House to S.F. No. 2597, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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. 3166: A bill for an act relating to human services; amending child welfare and licensing provisions; adopting a new Interstate Compact for the Placement of Children and repealing the old compact; regulating child and adult adoptions; regulating children in voluntary foster care for treatment; providing targeted case management services to certain children with developmental disabilities; providing for certain data classifications; amending Minnesota Statutes 2006, sections 13.46, by adding subdivisions; 245C.24, subdivision 2; 245C.29, subdivision 2; 256.045, subdivisions 3, 3b; 259.20, subdivision 1; 259.21, by adding a subdivision; 259.22, subdivision 2; 259.23, subdivision 2; 259.43; 259.52, subdivision 2; 259.53, subdivision 3; 259.59, subdivisions 1, 2; 259.67, subdivisions 2, 3, by adding a subdivision; 259.75, subdivision 5; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260C.001, subdivision 2; 260C.007, subdivisions 5, 6, 13; 260C.101, subdivision 2; 260C.141, subdivision 2; 260C.171, subdivision 2; 260C.178,

subdivision 1; 260C.205; 260C.212, subdivisions 7, 8, by adding a subdivision; 260C.325, subdivisions 1, 3; 524.2-114; 626.556, subdivision 7; Minnesota Statutes 2007 Supplement, sections 245C.14, subdivision 1; 245C.15, subdivisions 2, 3, 4; 245C.24, subdivision 3; 245C.27, subdivision 1; 259.41, subdivision 1; 259.57, subdivision 1; 259.67, subdivision 4; 260C.163, subdivision 1; 260C.209, subdivisions 1, 2, by adding a subdivision; 260C.212, subdivisions 1, 4; 626.556, subdivision 10a; Laws 2007, chapter 147, article 2, section 56; proposing coding for new law in Minnesota Statutes, chapters 259; 260; proposing coding for new law as Minnesota Statutes, chapter 260D; repealing Minnesota Statutes 2006, sections 260.851; 260C.141, subdivision 2a; 260C.431; 260C.435; Minnesota Statutes 2007 Supplement, section 260C.212, subdivision 9; Minnesota Rules, part 9560.0609.

Senate File No. 3166 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2008

Senator Pogemiller, for Senator Torres Ray, moved that the Senate do not concur in the amendments by the House to S.F. No. 3166, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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. 2876: A bill for an act relating to animals; changing provisions regulating dangerous dogs and dogs at certain establishments; imposing penalties; amending Minnesota Statutes 2006, sections 347.50, by adding a subdivision; 347.51, subdivisions 2, 2a, 3, 4, 7, 9; 347.52; 347.53; 347.54, subdivisions 1, 3; 347.55; 347.56; proposing coding for new law in Minnesota Statutes, chapters 157; 347.

Senate File No. 2876 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2008

Senator Anderson moved that the Senate do not concur in the amendments by the House to S.F. No. 2876, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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. 3303: A bill for an act relating to the city of Minneapolis; authorizing the creation of a nonprofit riverfront revitalization corporation; requiring a report.

Senate File No. 3303 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2008

Senator Higgins moved that the Senate do not concur in the amendments by the House to S.F. No. 3303, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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. 3139: A bill for an act relating to crime; establishing offense related to interfering with Internet ticket sales; proposing coding for new law in Minnesota Statutes, chapter 609.

Senate File No. 3139 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2008

CONCURRENCE AND REPASSAGE

Senator Latz moved that the Senate concur in the amendments by the House to S.F. No. 3139 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3139 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 0, as follows:

Those who voted in the affirmative were:

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

Vandev eer

Vickerman

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 acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2368: A bill for an act relating to human services; requiring the commissioner to notify the legislature prior to the closure or transfer of an enterprise activity; amending Minnesota Statutes 2006, section 246.0136, by adding a subdivision.

There has been appointed as such committee on the part of the House:

Ward, Juhnke and Howes.

Senate File No. 2368 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 3235: A bill for an act relating to data practices; classifying data and authorizing data sharing; making technical changes; regulating practices of business screening services; providing for civil penalties and remedies; amending Minnesota Statutes 2006, sections 6.715, by adding a subdivision; 13.03, subdivision 3; 13.32, by adding a subdivision; 123B.03, subdivisions 2, 3, by adding a subdivision; 260B.171, subdivision 5; 518.10; Minnesota Statutes 2007 Supplement, section 13.39, subdivisions 2, 2a; proposing coding for new law in Minnesota Statutes, chapter 332.

There has been appointed as such committee on the part of the House:

Simon, Lesch, Lillie, Hortman and DeLaForest.

Senate File No. 3235 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2390: A bill for an act relating to consumer protection; modifying restrictions on the collection and use of Social Security numbers; amending Minnesota Statutes 2006, section 325E.59, subdivision 3; Minnesota Statutes 2007 Supplement, section 325E.59, subdivision 1.

There has been appointed as such committee on the part of the House:

Hilstrom, Simon and Holberg.

Senate File No. 2390 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2008

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. 1298, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1298: A bill for an act relating to elections; changing certain voter registration procedures and requirements, filing requirements, voting procedures, election day prohibitions, and ballot preparation requirements; establishing a complaint and resolution process; requiring challengers to prove residence in this state; requiring certain notices; changing a petition requirement; imposing penalties; amending Minnesota Statutes 2006, sections 201.016, subdivision 1a; 201.056; 201.061, subdivisions 1, 3, by adding a subdivision; 201.071, subdivision 1; 201.171; 203B.07, subdivision 2; 203B.081; 203B.12, subdivision 4; 203B.13, subdivisions 1, 2; 204B.09, subdivisions 1, 1a, 3; 204B.11, subdivision 2; 204B.16, subdivision 1; 204B.45, subdivisions 1, 2; 204C.06, subdivisions 1, 8; 204C.07, subdivision 3a, by adding a subdivision; 204D.09, subdivision 2; 204D.16; 205.10, by adding a subdivision; 205.13, by adding a subdivision; 205.16, subdivisions 2, 3, 4; 205A.05, by adding a subdivision; 205A.07, subdivisions 3, 3a; 206.57, subdivision 5; 206.89, subdivisions 1, 5; 211A.02, subdivision 2; 211A.05, subdivision 1; 211B.11, subdivision 1; 410.12, subdivision 1; 447.32, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes 2006, sections 200.04; 201.061, subdivision 7; 201.096; 203B.02, subdivision 1a; 203B.13, subdivision 3a.

Senate File No. 1298 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2008

REPORTS OF COMMITTEES

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

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

H.F. No. 3574 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3574	3291				

and that the above 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. Report adopted.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 3638: A bill for an act relating to health; providing an exception to the moratorium on new nursing home beds for a facility in Steele County; amending Minnesota Statutes 2006, section 144A.071, subdivision 4c.

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 144A.071, subdivision 4c, is amended to read:

Subd. 4c. **Exceptions for replacement beds after June 30, 2003.** (a) The commissioner of health, in coordination with the commissioner of human services, may approve the renovation, replacement, upgrading, or relocation of a nursing home or boarding care home, under the following conditions:

(1) to license and certify an 80-bed city-owned facility in Nicollet County to be constructed on the site of a new city-owned hospital to replace an existing 85-bed facility attached to a hospital that is also being replaced. The threshold allowed for this project under section 144A.073 shall be the maximum amount available to pay the additional medical assistance costs of the new facility;

(2) to license and certify 29 beds to be added to an existing 69-bed facility in St. Louis County, provided that the 29 beds must be transferred from active or layaway status at an existing facility in St. Louis County that had 235 beds on April 1, 2003.

The licensed capacity at the 235-bed facility must be reduced to 206 beds, but the payment rate at that facility shall not be adjusted as a result of this transfer. The operating payment rate of the facility

adding beds after completion of this project shall be the same as it was on the day prior to the day the beds are licensed and certified. This project shall not proceed unless it is approved and financed under the provisions of section 144A.073;

(3) to license and certify a new 60-bed facility in Austin, provided that: (i) 45 of the new beds are transferred from a 45-bed facility in Austin under common ownership that is closed and 15 of the new beds are transferred from a 182-bed facility in Albert Lea under common ownership; (ii) the commissioner of human services is authorized by the 2004 legislature to negotiate budget-neutral planned nursing facility closures; and (iii) money is available from planned closures of facilities under common ownership to make implementation of this clause budget-neutral to the state. The bed capacity of the Albert Lea facility shall be reduced to 167 beds following the transfer. Of the 60 beds at the new facility, 20 beds shall be used for a special care unit for persons with Alzheimer's disease or related dementias; and

(4) to license and certify up to 80 beds transferred from an existing state-owned nursing facility in Cass County to a new facility located on the grounds of the Ah-Gwah-Ching campus. The operating cost payment rates for the new facility shall be determined based on the interim and settle-up payment provisions of Minnesota Rules, part 9549.0057, and the reimbursement provisions of section 256B.431. The property payment rate for the first three years of operation shall be \$35 per day. For subsequent years, the property payment rate of \$35 per day shall be adjusted for inflation as provided in section 256B.434, subdivision 4, paragraph (c), as long as the facility has a contract under section 256B.434; and

(5) to initiate a pilot program to license and certify up to 80 beds transferred from an existing county-owned nursing facility in Steele County relocated to the site of a new acute care facility as part of the county's Communities for a Lifetime comprehensive plan to create innovative responses to the aging of its population. Upon relocation to the new site, the nursing facility shall delicense 28 beds. The property payment rate for the first three years of operation of the new facility shall be increased by an amount as calculated according to items (i) to (v):

(i) compute the estimated decrease in medical assistance residents served by the nursing facility by multiplying the decrease in licensed beds by the historical percentage of medical assistance resident days;

(ii) compute the annual savings to the medical assistance program from the delicensure of 28 beds by multiplying the anticipated decrease in medical assistance residents, determined in item (i), by the existing facility's weighted average payment rate multiplied by 365;

(iii) compute the anticipated annual costs for community-based services by multiplying the anticipated decrease in medical assistance residents served by the nursing facility, determined in item (i), by the average monthly elderly waiver service costs for individuals in Steele County multiplied by 12;

(iv) subtract the amount in item (iii) from the amount in item (ii); and

(v) divide the amount in item (iv) by an amount equal to the relocated nursing facility's occupancy factor under section 256B.431, subdivision 3f, paragraph (c), multiplied by the historical percentage of medical assistance resident days.

For subsequent years, the adjusted property payment rate shall be adjusted for inflation as

provided in section 256B.434, subdivision 4, paragraph (c), as long as the facility has a contract under section 256B.434.

(b) Projects approved under this subdivision shall be treated in a manner equivalent to projects approved under subdivision 4a.

Sec. 2. STEELE COUNTY ASSET TRANSFER; STATUS OF TRANSFEREE.

Subdivision 1. **Asset transfer authorized.** Steele County may lease, sell, or otherwise transfer to a nonprofit corporation all of the real and personal property, tangible and intangible, including contract rights, receivables, and enterprise funds, owned or used by the county for nursing homes, assisted living, and related purposes and may acquire a membership interest in the nonprofit corporation. Any lease must provide for rent payable by the corporation at least sufficient to pay the principal and interest on the outstanding bonds of the county issued to finance any of the facilities. The lease may grant the corporation an option or require the corporation to purchase the facilities upon payment or redemption of the outstanding bonds. Any lease, sale, or other transfer must be on terms and conditions approved by the county board, without advertisement or public solicitation of bids.

Subd. 2. **Status of transferee.** The articles of incorporation or bylaws of the transferee corporation may provide that the county board has the right to appoint and remove one or more members of the governing board of the corporation and that specified actions be subject to the approval of the members. The corporation shall be a nonprofit corporation organized under Minnesota Statutes, chapter 317A, and entitled to exercise all of the powers of a nonprofit corporation under that chapter. If the county board does not have the right to appoint a majority of the governing board of the nonprofit corporation, neither Minnesota Statutes, section 465.717, nor other laws applicable to public corporations shall apply to the nonprofit corporation.

Subd. 3. **Open meeting law; data practices.** A nonprofit corporation created under this section is subject to the Minnesota Open Meeting Law and Minnesota Government Data Practices Act.

EFFECTIVE DATE; LOCAL APPROVAL. This section is effective the day after the governing body of Steele County and its chief clerical officer timely complete compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

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. 1128: A bill for an act relating to employment; modifying use of personal sick leave benefits; amending Minnesota Statutes 2006, section 181.9413.

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

Page 1, line 10, strike "such" and after "periods" insert "of time"

Page 1, after line 17, insert:

"(c) This section does not prevent an employer from providing greater sick leave benefits than are provided for under this section, nor does it alter an employer's existing sick leave policies or labor agreements that allow the use of sick leave for the care of a child, spouse, sibling, parent,

grandparent, and stepparent."

Page 1, line 18, delete "2007" and insert "2008"

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. 2462: A bill for an act relating to railroads; forgiving state loans made to Rock and Nobles Counties.

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

Page 1, line 5, delete everything after "The" and insert "commissioner of transportation"

Page 1, line 6, delete "Administration,"

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

Senator Cohen from the Committee on Finance, to which was referred

H.F. No. 3346: A bill for an act relating to housing; providing assistance to prevent mortgage foreclosure; increasing the maximum amount of financial assistance; amending Minnesota Statutes 2006, section 462A.209, subdivision 7.

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

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

S.F. No. 3140: A bill for an act relating to boiler operations; making changes to licensing procedures; authorizing rulemaking; amending Minnesota Statutes 2006, sections 183.411, subdivision 3; 183.545, subdivision 4; Minnesota Statutes 2007 Supplement, sections 183.501; 183.51.

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

Page 1, line 8, reinstate the stricken "steam"

Page 2, line 7, delete "paragraph (d)" and insert "paragraphs (d) to (g)"

Page 2, line 15, after "(d)" insert "Except as provided in paragraph (e)," and after the second "a" insert "high pressure"

Page 2, delete lines 17 to 19 and insert:

"(1) the boiler plant has a designated chief engineer in accordance with Minnesota Rules, part 5225.0410;"

Page 2, delete lines 22 to 23 and insert:

"(3) the chief engineer in charge of the boiler plant submits an application to the commissioner on a form prescribed by the commissioner to elicit information on whether the requirements of this paragraph have been met;"

Page 2, line 24, delete "the boiler plant employee applying for the provisional license,"

Page 2, line 25, delete the comma

Page 2, line 26, delete "all" and insert "both"

Page 2, after line 32, insert:

"(e) Only public utilities, cooperative electric associations, generation and transmission cooperative electric associations, municipal power agencies, and municipal electric utilities, any of which employ licensed boiler operators who are subject to an existing labor contract, may utilize provisional licenses for operators, provided there is no violation of the existing labor contract."

Page 2, line 33, delete "(e)" and insert "(f)"

Page 2, after line 35, insert:

"(g) The commissioner may issue no more than two provisional licenses to any individual within a four-year period."

Page 3, lines 33 and 34, strike "such" and insert "the"

Page 4, lines 12, 20, and 29, strike "such" and insert "the"

Page 5, lines 2, 20, and 30, strike "such" and insert "the"

Page 5, line 11, strike "such" and insert "the" and strike "such" and insert "the"

Page 5, line 31, before "An" insert "(a)"

Page 5, line 32, reinstate the stricken language and delete the new language

Page 6, after line 2, insert:

"(b) An individual seeking licensure as a special engineer who is at least 16 years of age but less than 18 years of age must be enrolled in a course approved by the commissioner, and have habits and experience that justify the belief that the individual is competent to take charge of and be responsible for the safe operation and maintenance of all classes of boilers and their appurtenances of not more than 50 horsepower or to operate as a shift engineer in a plant of not more than 100 horsepower, or to serve as an apprentice in any plant under the direct supervision of the properly licensed engineer."

Page 6, line 13, before "The" insert "Notwithstanding the experience requirements in subdivisions 4 to 14,"

Page 6, line 14, delete "all or any" and insert "a"

Page 6, line 15, delete "requirements in subdivisions 4 to 14"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 3638, 1128, 2462 and 3140 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 3574 and 3346 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Cohen moved that the name of Senator Saltzman be added as a co-author to S.F. No. 3363. The motion prevailed.

Senator Dibble moved that the name of Senator Larson be added as a co-author to S.F. No. 3746. The motion prevailed.

Senator Wergin moved that S.F. No. 3677 be withdrawn from the Committee on Transportation and returned to its author. The motion prevailed.

Senators Moua and Anderson introduced –

Senate Resolution No. 190: A Senate resolution honoring Merrick Community Services on 100 years of service.

Referred to the Committee on Rules and Administration.

Senator Wiger introduced –

Senate Resolution No. 191: A Senate resolution honoring the memory of William Sandberg, mayor of North St. Paul.

Referred to the Committee on Rules and Administration.

RECONSIDERATION

Having voted on the prevailing side, Senator Hann moved that the vote whereby the Saltzman motion to not concur in the House amendments to S.F. No. 2597 was adopted by the Senate on April 23, 2008, be now reconsidered. The motion did not prevail.

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

H.F. No. 3172: A bill for an act relating to elections; changing certain ballot delivery, election judge, mail election, special election and special primary, school district election, and postelection review procedures; authorizing continued use of certain applications; amending Minnesota Statutes 2006, sections 203B.06, subdivision 3; 203B.11, subdivision 4; 204B.21; 204B.46; 204D.19, subdivision 2; 204D.23, subdivision 2; 204D.27, by adding a subdivision; 205.075, by adding a subdivision; 205A.03, subdivision 1; 205A.06, subdivision 1a; 205A.10, subdivision 2; 205A.12, by adding a subdivision; 206.89, subdivision 5.

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 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Vandev eer

So the bill passed and its title was agreed to.

S.F. No. 3370: A bill for an act relating to elections; providing for assessment and payment of certain costs; amending Minnesota Statutes 2006, section 211B.37.

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 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Skoe
Skogen

Sparks
Stumpf

Tomassoni
Vickerman

Wergin
Wiger

Those who voted in the negative were:

Vandevveer

So the bill passed and its title was agreed to.

S.F. No. 3363: 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, as amended; 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, section 16A.152, subdivision 1b.

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 42 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson
Berglin
Betzold
Bonoff
Carlson
Chaudhary
Clark
Cohen
Dahle

Dibble
Doll
Erickson Ropes
Foley
Higgins
Kubly
Langseth
Larson
Latz

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

Pogemiller
Prettner Solon
Rest
Rummel
Saltzman
Saxhaug
Sheran
Sieben
Skoe

Skogen
Sparks
Stumpf
Tomassoni
Vickerman
Wiger

Those who voted in the negative were:

Day

Dille

Fischbach

Frederickson

Gerlach

Gimse
Hann
Ingebrigtsen
Johnson

Jungbauer
Koch
Limmer
Michel

Olson, G.
Ortman
Pariseau
Robling

Rosen
Scheid
Senjem
Vandever

Wergin

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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.

Senator Vandever introduced—

S.F. No. 3845: A bill for an act relating to civil actions; moving mortgage redemption sales to the end of the current redemption period; eliminating the redemption rights of the mortgagee; amending Minnesota Statutes 2006, sections 580.03; 580.04; 580.10; 580.12; 580.23, subdivisions 1, 2, 4; 580.28; 581.06; 581.10; 582.032; 582.041, subdivision 5; 582.042, subdivision 5; 582.05; 582.27, subdivision 1; 582.30, subdivision 2; 582.32, subdivisions 3, 5; proposing coding for new law in Minnesota Statutes, chapter 580; repealing Minnesota Statutes 2006, sections 580.25; 580.26; 580.27; Minnesota Statutes 2007 Supplement, section 580.24.

Referred to the Committee on Judiciary.

Senator Moua introduced—

S.F. No. 3846: A bill for an act relating to property taxation; modifying the classifications and class rates of residential property that is not homesteaded; amending Minnesota Statutes 2006, section 273.13, subdivision 25, as amended.

Referred to the Committee on Taxes.

Senators Metzen, Doll, Carlson, Vickerman and Tomassoni introduced—

S.F. No. 3847: A bill for an act relating to veterans; appropriating money for the National Army Museum.

Referred to the Committee on Agriculture and Veterans.

Senator Skoe introduced—

S.F. No. 3848: A bill for an act relating to natural resources; modifying the Heartland Trail; amending Minnesota Statutes 2006, section 85.015, subdivision 12.

Referred to the Committee on Environment and Natural Resources.

Senator Skoe introduced—

S.F. No. 3849: A bill for an act relating to environment; prohibiting certain charges by the Pollution Control Agency for services regarding voluntary response actions on contaminated land; amending Minnesota Statutes 2006, section 115B.175, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

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 Higgins in the chair.

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

S.F. Nos. 3096, 3189 and H.F. No. 3657, which the committee recommends to pass.

H.F. No. 4075, which the committee recommends to pass, subject to the following motions:

Senator Skoe moved that the amendment made to H.F. No. 4075 by the Committee on Rules and Administration in the report adopted April 21, 2008, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

Senator Skoe moved to amend H.F. No. 4075 as follows:

Page 1, line 15, delete "is" and insert "was"

Page 1, line 24, delete "December 31, 2008" and insert "January 31, 2009"

Page 2, line 2, after the first "the" insert "board's"

Page 2, line 12, after "herd" insert "and signs a contract containing the provisions of paragraph (a), clauses (1) to (3),"

Page 6, line 7, delete "2009" and insert "2008"

The motion prevailed. So the amendment was adopted.

Senator Skoe moved to amend H.F. No. 4075 as follows:

Page 1, line 23, after "cattle" insert "that are at least one year old and"

Page 1, after line 24, insert:

"(2) all cattle that are less than one year old, are either slaughtered or moved out of the bovine tuberculosis management zone, as provided in paragraph (b), by January 31, 2009;"

Page 2, line 1, delete "(2)" and insert "(3)"

Page 2, line 3, delete "(3)" and insert "(4)"

Page 2, after line 5, insert:

"(b) Cattle that are less than one year old, may be moved out of the bovine tuberculosis management zone to comply with paragraph (a), clause (2), only when:

(1) they are from a herd that received a whole herd tuberculosis test within the previous 12 months;

(2) they are not sexually intact; and

(3) they have had a tuberculosis test within 60 days of being moved out of the zone."

Page 2, line 6, delete "(b)" and insert "(c)"

Page 2, line 8, delete "(c)" and insert "(d)"

Page 2, line 11, delete "(d)" and insert "(e)"

The motion prevailed. So the amendment was adopted.

H.F. No. 4075 was then recommended to pass.

H.F. No. 2837, which the committee recommends to pass, subject to the following motion:

Senator Lourey moved that the amendment made to H.F. No. 2837 by the Committee on Rules and Administration in the report adopted April 17, 2008, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

S.F. No. 2818, which the committee recommends to pass, after to the following motions:

Senator Vandever moved to amend S.F. No. 2818 as follows:

Page 1, delete section 2

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 19 and nays 41, as follows:

Those who voted in the affirmative were:

Dille	Hann	Koch	Ortman	Senjem
Fischbach	Ingebrigtsen	Limmer	Pariseau	Vandever
Gerlach	Johnson	Michel	Robling	Wergin
Gimse	Jungbauer	Olson, G.	Rosen	

Those who voted in the negative were:

Anderson	Bonoff	Cohen	Dibble	Foley
Berglin	Carlson	Dahle	Doll	Frederickson
Betzold	Chaudhary	Day	Erickson Ropes	Higgins

Kubly	Marty	Prettner Solon	Sieben	Vickerman
Langseth	Metzen	Rest	Skoe	Wiger
Larson	Moua	Rummel	Skogen	
Latz	Olseen	Saltzman	Sparks	
Lourey	Olson, M.	Saxhaug	Stumpf	
Lynch	Pappas	Scheid	Tomassoni	

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

Senator Vandever moved to amend S.F. No. 2818 as follows:

Page 5, delete section 5

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 16 and nays 41, as follows:

Those who voted in the affirmative were:

Gerlach	Johnson	Olson, G.	Rosen
Gimse	Jungbauer	Ortman	Senjem
Hann	Koch	Pariseau	Vandever
Ingebrigtsen	Michel	Robling	Wergin

Those who voted in the negative were:

Anderson	Dibble	Latz	Pappas	Skogen
Berglin	Dille	Lourey	Pogemiller	Stumpf
Betzold	Doll	Lynch	Prettner Solon	Tomassoni
Bonoff	Erickson Ropes	Marty	Rest	Vickerman
Carlson	Foley	Metzen	Rummel	Wiger
Chaudhary	Frederickson	Moua	Saltzman	
Clark	Higgins	Murphy	Saxhaug	
Cohen	Kubly	Olseen	Scheid	
Dahle	Larson	Olson, M.	Sieben	

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

The question was taken on the recommendation to pass S.F. No. 2818.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Gimse	Jungbauer	Olson, G.	Senjem
Dille	Hann	Koch	Ortman	Tomassoni
Fischbach	Ingebrigtsen	Limmer	Pariseau	Vandever
Gerlach	Johnson	Michel	Robling	Wergin

The motion prevailed. So S.F. No. 2818 was recommended to pass.

S.F. No. 2492, which the committee recommends to pass with the following amendment offered by Senator Anderson:

Page 23, delete subdivision 16 and insert:

"Subd. 16. **Carryforward**

(a) The availability of the appropriations for the following projects are extended to June 30, 2009:

(1) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 6, paragraph (h), as extended by Laws 2007, chapter 57, article 1, section 4, subdivision 6, Paul Bunyan State Trail connection; and

(2) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 7, paragraph (j), improving impaired watersheds conservation drainage research.

(b) The availability of the appropriations for the following projects are extended to June 30, 2010:

(1) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 6, paragraph (e), metropolitan regional parks acquisition, rehabilitation, and development;

(2) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 6, paragraph (p), land acquisition, Minnesota Landscape Arboretum;

(3) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 7, paragraph (i), improving water quality on the central sands; and

(4) Laws 2003, chapter 128, article 1, section 9, subdivision 6, paragraph (l), as amended by Laws 2005, First Special Session chapter 1, article 2, section 150, as extended by Laws 2006, chapter 243, section 16, land acquisition, Minnesota Landscape Arboretum."

The motion prevailed. So the amendment was adopted.

S.F. No. 2833, which the committee recommends to pass with the following amendments offered by Senators Michel and Lynch:

Senator Michel moved to amend S.F. No. 2833 as follows:

Page 2, line 15, after the second comma, insert "without a gravity outlet or drain,"

Page 3, line 12, delete "physically inspect" and insert "conduct a physical inspection of"

Page 9, delete section 12 and insert:

"Sec. 12. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall replace the public pool definition in Minnesota Rules, part 4717.0250, subpart 8, with the following language: "Public pool" has the meaning given in Minnesota Statutes, section 144.1222, subdivision 4, paragraph (d)."

The motion prevailed. So the amendment was adopted.

Senator Lynch moved to amend S.F. No. 2833 as follows:

Page 3, delete lines 5 to 9

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 54 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kubly	Olson, G.	Senjem
Bonoff	Foley	Langseth	Olson, M.	Sheran
Carlson	Frederickson	Larson	Pappas	Sieben
Chaudhary	Gerlach	Latz	Pariseau	Skoe
Cohen	Gimse	Lynch	Pogemiller	Skogen
Dahle	Hann	Marty	Rest	Sparks
Day	Higgins	Metzen	Rosen	Tomassoni
Dibble	Ingebrigtsen	Michel	Rummel	Vanderveer
Dille	Johnson	Moua	Saltzman	Wergin
Doll	Jungbauer	Murphy	Saxhaug	Wiger
Erickson Ropes	Koch	Olseen	Scheid	

Those who voted in the negative were:

Berglin	Limmer	Ortman	Robling
Betzold	Lourey	Prettner Solon	Stumpf

The motion prevailed. So the amendment was adopted.

S.F. No. 3520, which the committee recommends to pass, subject to the following motions:

Senator Prettner Solon moved to amend S.F. No. 3520 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2006, section 216C.051, is amended by adding a subdivision to read:

Subd. 3a. **Economic, environmental, and social implications.** In carrying out its duties under this section, the task force may, in addition to any other activities, solicit and consider public testimony regarding the economic, environmental, and social implications of state energy plans and policies."

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. 3520 as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 500.30, subdivision 2, is amended to read:

Subd. 2. **Like any conveyance.** Any property owner may grant a solar or wind easement in the same manner and with the same effect as a conveyance of an interest in real property. The easements shall be created in writing and shall be filed, duly recorded, and indexed in the office of the recorder of the county in which the easement is granted. No duly recorded easement shall be unenforceable on account of lack of privity of estate or privity of contract; such easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that an easement may terminate upon the conditions stated therein or pursuant to the provisions of section 500.20. A wind easement, easement to install wind turbines on real property, option, or lease of wind rights shall ~~also terminate after~~ terminate ~~after~~ seven years from the date the easement is created or lease is entered into, if a wind energy project on the property to which the easement or lease applies does not begin commercial development ~~operation~~ within the seven-year period.

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

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Gimse	Lynch	Skogen
Betzold	Dibble	Higgins	Marty	Sparks
Bonoff	Dille	Kubly	Pappas	Stumpf
Carlson	Doll	Larson	Rest	Vickerman
Chaudhary	Erickson Ropes	Latz	Rummel	Wiger
Cohen	Fischbach	Lourey	Sieben	

Those who voted in the negative were:

Berglin	Ingebrigtsen	Olseen	Robling	Skoe
Clark	Johnson	Olson, G.	Rosen	Tomassoni
Day	Jungbauer	Olson, M.	Saltzman	Vanderveer
Foley	Langseth	Ortman	Saxhaug	Wergin
Frederickson	Limmer	Pariseau	Scheid	
Gerlach	Metzen	Pogemiller	Senjem	
Hann	Moua	Prettner Solon	Sheran	

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

S.F. No. 3520 was then recommended to pass.

H.F. No. 3066, which the committee recommends to pass, subject to the following motion:

Senator Rest moved that the amendment made to H.F. No. 3066 by the Committee on Rules and Administration in the report adopted April 14, 2008, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3662, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3662 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 23, 2008

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3662

A bill for an act relating to local government; providing for a public hearing and public testimony before making an appointment to fill a vacancy on a county board; amending Minnesota Statutes 2006, section 375.101, by adding a subdivision.

April 21, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3662 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 3662 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 375.101, subdivision 4, is amended to read:

Subd. 4. **Option for filling vacancies; appointment.** Except as provided in subdivision 3, and as an alternative to the procedure provided in subdivisions 1 and 2, any other vacancy in the office of county commissioner may be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. ~~If the vacancy occurs before the first day to file affidavits of candidacy for the next county general election and more than two years remain in the unexpired term, a special election shall be held in conjunction with the county general election. The appointed person shall serve until the qualification of the successor elected to fill the unexpired part of the term at that special election. If the vacancy occurs on or after the first day to file affidavits of candidacy for the county general election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve the remainder of the unexpired term and until a successor is elected and qualifies at the county general election. If one year or more remains in the unexpired term, a special election must be held under subdivision 1. If less than one year remains in the unexpired term, the county board may appoint a person to fill the vacancy for the remainder of the unexpired term, unless the vacancy occurs within 90 days of the next county general election, in which case an appointment shall not be made and the vacancy must be filled at the general election. The person elected to fill a vacancy at the general election takes office immediately in the same manner as for a special election under subdivision 1, and serves the remainder of the unexpired term and the new term for which the election was otherwise held.~~

Sec. 2. Minnesota Statutes 2006, section 375.101, is amended by adding a subdivision to read:

Subd. 5. **County boards.** Before making an appointment to fill a vacancy under subdivision 4, the county board must hold a public hearing not more than 30 days after the vacancy occurs with public notice given in the same manner as for a special meeting of the county board. At the public hearing the board must invite public testimony from persons residing in the district in which the vacancy occurs relating to the qualifications of prospective appointees to fill the vacancy. Before making an appointment, the board also must notify public officials in the affected district on the appointment, including town board and city council members, and must enter into the record at the board meeting in which the appointment is made the names and addresses of the public officials notified. If after the public hearing, the board is unable or decides not to make an appointment under subdivision 4, it must hold a special election under subdivision 1, but the time period in which the election must be held begins to run from the date of the public hearing.

Delete the title and insert:

"A bill for an act relating to local government; providing for a public hearing and public testimony before making an appointment to fill a vacancy on a county board; changing the time period in which an appointment may be made; amending Minnesota Statutes 2006, section 375.101, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 375.101, subdivision 4."

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

House Conferees: (Signed) Bill Hilty, Will Morgan, Larry Howes

Senate Conferees: (Signed) Tony Lourey, Rick E. Olseen, Betsy L. Wergin

Senator Lourey moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3662 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3662 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed 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.

APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 2379: Senators Bakk, Murphy and Ortman.

S.F. No. 3674: Senators Moua, Bakk and Limmer.

S.F. No. 3563: Senators Erickson Ropes, Fischbach and Olson, M.

S.F. No. 2876: Senators Anderson, Dibble and Limmer.

S.F. No. 3492: Senators Clark; Olson, M. and Ingebrigtsen.

S.F. No. 2881: Senators Scheid, Sparks and Vandever.

S.F. No. 2605: Senators Saltzman, Bonoff and Gerlach.

S.F. No. 3138: Senators Lynch, Rosen and Moua.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

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.

APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 3303: Senators Higgins, Dibble and Senjem.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senators Bakk and Torres Ray were excused from the Session of today. Senator Wergin was excused from the Session of today from 11:00 to 11:45 a.m. Senator Koering was excused from the Session of today at 11:40 a.m. Senator Sheran was excused from the Session of today from 12:00 noon to 1:05 p.m. Senator Rosen was excused from the Session of today from 1:00 to 1:10 p.m. Senator Michel was excused from the Session of today at 2:10 p.m. Senator Murphy was excused from the Session of today at 2:30 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 24, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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