

THIRTY-FIRST DAY

St. Paul, Minnesota, Monday, April 6, 2009

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Shawn Winters.

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

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

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

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.

March 11, 2009

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA POLLUTION CONTROL AGENCY

Brian Bensen, 5823 - 47th St. S.E., Saint Cloud, in the county of Sherburne, effective March 16, 2009, for a term that expires on January 7, 2013.

Daniel Foley, 1581 Tamberwood Tr., Woodbury, in the county of Washington, effective March 16, 2009, for a term that expires on January 7, 2013.

(Referred to the Committee on Environment and Natural Resources.)

March 24, 2009

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA OFFICE OF HIGHER EDUCATION
DIRECTOR

David R. Metzen, 273 Salem Church Rd., Sunfish Lake, in the county of Dakota, effective March 25, 2009, to complete a term that expires on January 3, 2011.

(Referred to the Committee on Higher Education.)

Sincerely,
Tim Pawlenty, Governor

REPORTS OF COMMITTEES

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

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 1082: A bill for an act relating to corrections; requiring development of pilot project for short-term offender commitments; appropriating money.

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

Page 2, line 1, delete "December 1, 2009" and insert "January 15, 2010" and after "report" insert "by electronic means"

Page 2, line 2, delete "legislative" and insert "senate and house of representatives"

Page 2, line 3, after the period, insert "A written copy must be made available upon request."

Page 2, after line 3, insert:

"Sec. 2. **COUNTY BASED REVOCATION CENTER PILOT PROJECT; REPORT.**

(a) Dodge, Fillmore, and Olmsted Counties; Tri-County Community Corrections; Hennepin County; Ramsey County; and any other county or community corrections department that wishes to participate may develop a proposal for a pilot project for a secure residential center for the supervision of persons facing revocation of their supervised release or execution of a stayed prison sentence. The proposal must address the care, custody, and programming for offenders assigned to the facility as an intermediate sanction prior to revocation or execution of a stayed prison sentence.

(b) The counties must consider the following factors in developing the proposal:

(1) type and length of programming for offenders, including supervision, mental health and chemical dependency treatment options, and educational and employment readiness opportunities;

(2) medical care;

(3) the transporting of offenders to and from any facility;

(4) detailed current and future costs and per diems associated with the facility;

(5) admission and release procedures of the facility;

(6) intended outcomes of the pilot project; and

(7) other factors deemed appropriate for consideration by the counties.

(c) By December 1, 2009, any county that develops a pilot project shall report by electronic means the pilot project proposal to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over public safety policy and funding. A written copy must be made available upon request."

Amend the title as follows:

Page 1, line 3, delete "appropriating money" and insert "authorizing counties to develop proposals for secure residential facility pilot projects"

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

Senator Moua from the Committee on Judiciary, to which was re-referred

S.F. No. 402: A bill for an act relating to education; modifying school background check requirements relating to disciplinary actions; amending Minnesota Statutes 2008, section 123B.03, subdivision 1a.

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

Page 1, line 13, strike everything after "teacher"

Page 1, strike the old language and delete the new language

Page 1, line 15, delete "board disciplinary action" and strike "based on"

Page 1, line 16, strike "misconduct"

Page 1, line 21, strike everything after "license"

Page 1, line 22, delete "or other misconduct"

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

Senator Moua from the Committee on Judiciary, to which was re-referred

S.F. No. 383: A bill for an act relating to environment; requiring plastic yard waste bags to be compostable; establishing biodegradable standard for certain plastics; providing civil penalties; amending Minnesota Statutes 2008, section 115A.931; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 2, lines 8, 14, and 19, delete "person" and insert "manufacturer, distributor, or wholesaler"

Page 2, line 20, delete "violation" and insert "prepackaged saleable unit offered for sale"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 140: A bill for an act relating to consumer protection; regulating consumer fraud; amending Minnesota Statutes 2008, section 325F.69, by adding a subdivision.

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

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 1754: A bill for an act relating to religious corporations; permitting a church benefits board to act as a trustee of a trust; amending Minnesota Statutes 2008, section 317A.909.

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

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 918: A bill for an act relating to public safety; repealing authorization that certain short term commitments to the commissioner of corrections be served in county jails; amending Minnesota Statutes 2008, section 609.105, subdivision 1; repealing Minnesota Statutes 2008, section 609.105, subdivisions 1a, 1b.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Moua from the Committee on Judiciary, to which was re-referred

S.F. No. 536: A bill for an act relating to public contracts; authorizing the state, MNSCU, the University of Minnesota, and cities to adopt a program requiring certain hiring practices in construction and services contracts; amending Minnesota Statutes 2008, section 136F.581, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16C; 137; 471.

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

Page 1, line 24, delete everything after "who" and insert "is not currently incarcerated but who has previously been convicted of a felony, regardless of whether the individual is currently under correctional supervision."

Page 1, delete line 25

Page 2, line 19, delete "has been discharged" and insert "is not currently incarcerated but who has previously been convicted of a felony, regardless of whether the individual is currently under correctional supervision."

Page 2, delete lines 20 and 21

Page 3, line 4, delete "has been" and insert "is not currently incarcerated but who has previously been convicted of a felony, regardless of whether the individual is currently under correctional supervision."

Page 3, delete lines 5 and 6

Page 3, delete lines 24 and 25 and insert "is not currently incarcerated but who has previously been convicted of a felony, regardless of whether the individual is currently under correctional supervision."

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

Senator Moua from the Committee on Judiciary, to which was re-referred

S.F. No. 1284: A bill for an act relating to lawful gambling; modifying lawful purpose and other definitions; establishing a rating system for annual lawful purpose expenditures and imposing civil penalties; modifying provisions relating to licensing and permits and providing for fees; regulating conduct of bingo and other games; modifying lease requirements; regulating who may participate in lawful gambling; providing for expenditures of gross profits; prohibiting the use of debit cards for certain gambling purposes; providing for local approval; making clarifying, technical, and conforming changes to lawful gambling provisions; amending Minnesota Statutes 2008, sections 349.11; 349.12, subdivisions 3a, 7, 7a, 12a, 18, 19, 21, 25, 29, 32a, 33; 349.15, subdivisions 1, 1a; 349.151, subdivision 4; 349.154, subdivision 1; 349.155, subdivisions 3, 4a; 349.16, subdivisions 2, 3, 6, 8, 11, by adding subdivisions; 349.162, subdivision 6; 349.1635, subdivision 3; 349.1641; 349.165, subdivisions 1, 2, 3, by adding a subdivision; 349.166, subdivision 2; 349.167, subdivision 2; 349.168, subdivision 8; 349.169, subdivisions 1, 3; 349.17, subdivisions 3, 5, 6, 7; 349.173; 349.18, subdivision 1; 349.19, subdivisions 2, 2a, 3, 10; 349.191, subdivisions 1, 1a, 1b, 2, 3, 4; 349.2127, subdivision 7; 349.213, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 2008, sections 349.15, subdivisions 4, 5; 349.154, subdivision 2; 349.155, subdivision 7; 349.16, subdivisions 9, 10; 349.166, subdivision 3; 349.168, subdivisions 4, 6, 7, 10; 349.18, subdivisions 2, 3; 349.2127, subdivision 8.

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

Page 10, line 27, delete "that exceeds \$1,000" and insert "up to \$10,000"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 1302: A bill for an act relating to mortgages; foreclosures by advertisement; modifying sheriff's sale procedure; amending Minnesota Statutes 2008, section 580.07.

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 2008, section 504B.285, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** The person entitled to the premises may recover possession by eviction when:

(1) any person holds over real property:

(i) after a sale of the property on an execution or judgment; or

(ii) after the expiration of the time for redemption on foreclosure of a mortgage, or after termination of contract to convey the property, provided that if the person holding the real property after the expiration of the time for redemption or termination was a tenant during the redemption or termination period, ~~the person entered into the~~ under a lease of any duration and the lease began after the date of the notice of the mortgage foreclosure or contract for deed cancellation and was executed but prior to the expiration of the time for redemption or termination, and the person has received:

(A) at least two months' written notice to vacate no sooner than one month after the expiration of the time for redemption or termination, provided that the tenant pays the rent and abides by all terms of the lease; or

(B) at least two months' written notice to vacate no later than the date of the expiration of the time for redemption or termination, which notice shall also state that the sender will hold the tenant harmless for breaching the lease by vacating the premises if the mortgage is redeemed or the contract is reinstated;

(2) any person holds over real property after termination of the time for which it is demised or leased to that person or to the persons under whom that person holds possession, contrary to the conditions or covenants of the lease or agreement under which that person holds, or after any rent becomes due according to the terms of such lease or agreement; or

(3) any tenant at will holds over after the termination of the tenancy by notice to quit.

Sec. 2. Minnesota Statutes 2008, section 507.235, is amended by adding a subdivision to read:

Subd. 1a. **Requirements of vendor.** (a) A vendor entering into a contract for deed involving residential real property must, contemporaneously with the execution of the contract for deed:

(1) deliver to the vendee a copy of the contract for deed containing original signatures in recordable form; and

(2) pay, or reimburse the vendee for payment of, any delinquent taxes necessary for recordation of the contract for deed, unless the contract for deed provides for the vendee to pay the delinquent taxes.

(b) For purposes of this subdivision:

(1) "contract for deed" has the meaning given in section 559.202, subdivision 2; and

(2) "residential real property" has the meaning given in section 559.202, subdivision 2.

Sec. 3. Minnesota Statutes 2008, section 580.021, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages by advertisement under this chapter and foreclosure of mortgages by action under chapter 581 on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale of the owner when the notice of pendency under section 580.032 is recorded.

EFFECTIVE DATE. This section is effective for foreclosures in which the notice of pendency under section 580.032 is recorded on or after August 1, 2009.

Sec. 4. Minnesota Statutes 2008, section 580.021, subdivision 2, is amended to read:

Subd. 2. **Requirement to provide notice of opportunity for counseling.** ~~When the written notice required under section 47.20, subdivision 8, is provided and~~ Before the notice of pendency under section 580.032, subdivision 3, is filed recorded, a party foreclosing on a mortgage must provide to the mortgagor information contained in a form prescribed in section 580.022, subdivision 1, that:

(1) foreclosure prevention counseling services provided by an authorized foreclosure prevention counseling agency are available; and

(2) ~~notice that~~ the party will transmit the homeowner's name, address, and telephone number to an approved foreclosure prevention agency.

~~Nothing in this subdivision prohibits~~ The notices required by this subdivision ~~from being~~ may be provided concurrently with the a written notice required under section 47.20, subdivision 8 of default.

For the purposes of this section, an "authorized foreclosure prevention counseling agency" is a nonprofit, third-party individual agency approved or organization certified by the Minnesota Housing Finance Agency or the United States Department of Housing and Urban Development, the Minnesota Home Ownership Center, the Minnesota Mortgage Foreclosure Prevention Association, AARP, or NeighborWorks America to provide foreclosure prevention counseling services.

EFFECTIVE DATE. This section is effective for foreclosures in which the notice of pendency under section 580.032 is recorded on or after August 1, 2009.

Sec. 5. Minnesota Statutes 2008, section 580.025, is amended to read:

580.025 FORECLOSURE DATA.

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages under this chapter on property consisting of one to four family dwelling units.

Subd. 2. **Data required.** The notice of pendency required by section 580.032, subdivision 3; the notice of sale required by section 580.04; and the certificate of sale required by section 580.12 shall include the following information to the best of the knowledge of the party foreclosing the mortgage:

- (1) the physical street address, city, and zip code of the mortgaged premises;
- (2) the name of the transaction agent, residential mortgage servicer, and the lender or broker, as defined in section 58.02, if the person holding the mortgage is a transaction agent as defined in section 58.02, subdivision 30, or the name of the residential mortgage servicer and the lender or broker, as defined in section 58.02, if the person holding the mortgage is not a transaction agent as defined in section 58.02, subdivision 30;
- (3) the tax parcel identification number of the mortgaged premises;
- (4) if stated on the mortgage, the transaction agent's mortgage identification number; and
- (5) if stated on the mortgage, the name of the residential mortgage originator as defined in section 58.02.

No liability shall accrue to the party foreclosing the mortgage or the party's attorney for de minimis, good faith, or commercially reasonable errors in this information. The omission of all or some of the information required by this section from the notice shall not invalidate the foreclosure of the mortgage.

EFFECTIVE DATE. This section is effective for foreclosures in which the notice of pendency under section 580.032 is recorded on or after August 1, 2009.

Sec. 6. Minnesota Statutes 2008, section 580.04, is amended to read:

580.04 REQUISITES OF NOTICE.

- (a) Each notice shall specify:
- (1) the name of the mortgagor, the mortgagee, each assignee of the mortgage, if any, and the original or maximum principal amount secured by the mortgage;
 - (2) the date of the mortgage, and when and where recorded, except where the mortgage is upon registered land, in which case the notice shall state that fact, and when and where registered;
 - (3) the amount claimed to be due on the mortgage on the date of the notice;
 - (4) a description of the mortgaged premises, conforming substantially to that contained in the mortgage;
 - (5) the time and place of sale; and
 - (6) the time allowed by law for redemption by the mortgagor, the mortgagor's personal representatives or assigns; and.

(b) If the real estate is an owner-occupied, single-family dwelling, the notice must also specify the date on or before which the mortgagor must vacate the property if the mortgage is not reinstated under section 580.30 or the property redeemed under section 580.23. The notice must state that the time to vacate the property is 11:59 p.m. on the specified date.

~~(7)~~(c) If the party foreclosing the mortgage desires to preserve the right to reduce the redemption period under section 582.032 after the first publication of the notice, the notice must also state in capital letters: "THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION 582.032, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED."

EFFECTIVE DATE. This section is effective for foreclosures in which the notice of pendency under section 580.032 is recorded on or after August 1, 2009.

Sec. 7. Minnesota Statutes 2008, section 580.041, subdivision 1a, is amended to read:

Subd. 1a. **Applicability.** This section applies to foreclosure of mortgages by advertisement under this chapter and foreclosure of mortgages by action under chapter 581 on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale on the owner when the notice of pendency under section 580.032 is recorded.

EFFECTIVE DATE. This section is effective for foreclosures in which the notice of pendency under section 580.032 is recorded on or after August 1, 2009.

Sec. 8. Minnesota Statutes 2008, section 580.042, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages by advertisement under this chapter and foreclosure of mortgages by action under chapter 581 on property consisting of one to four family dwelling units, one or more of which are occupied by a tenant as a residence.

EFFECTIVE DATE. This section is effective for foreclosures in which the notice of pendency under section 580.032 is recorded on or after August 1, 2009.

Sec. 9. Minnesota Statutes 2008, section 580.07, is amended to read:

580.07 POSTPONEMENT.

(a) The sale may be postponed, from time to time, by the party conducting the foreclosure. The party requesting the postponement must, at the party's expense:

by inserting (1) publish, only once, a notice of the postponement and the rescheduled date of the sale, if known, as soon as practicable, in the newspaper in which the original advertisement notice under section 580.03 was published, at the expense of the party requesting the postponement. The notice shall be published only once; and

(2) send by first class mail to the occupant, postmarked within three business days of the postponed sale, notice:

(i) of the postponement; and

(ii) if known, the rescheduled date of the sale and the date on or before which the mortgagor must vacate the property if the sheriff's sale is not further postponed, the mortgage is not reinstated under section 580.30, the property is not redeemed under section 580.23, or the redemption period is not reduced under section 582.032. The notice must state that the time to vacate the property is 11:59 p.m. on the specified date.

(b) If the rescheduled date of the sale is not known at the time of the initial publication and notice to the occupant of postponement, the foreclosing party must, at its expense if and when a new date of sale is scheduled:

(1) publish, only once, notice of the rescheduled date of the sale, as soon as practicable, in the newspaper in which the notice under section 580.03 and the notice of postponement under paragraph (a) was published; and

(2) send by first class mail to the occupant, postmarked within ten days of the rescheduled sale, notice:

(i) of the date of the rescheduled sale; and

(ii) the date on or before which the mortgagor must vacate the property if the mortgage is not reinstated under section 580.30 or the property redeemed under section 580.23. The notice must state that the time to vacate the property is 11:59 p.m. on the specified date.

EFFECTIVE DATE. This section is effective for notices of postponement published or served on or after August 1, 2009.

Sec. 10. Minnesota Statutes 2008, section 580.15, is amended to read:

580.15 PERPETUATING EVIDENCE OF SALE.

Any party desiring to perpetuate the evidence of any sale made in pursuance of this chapter may procure:

(1) an affidavit of the publication of the notice of sale and of any notice of postponement to be made by the printer of the newspaper in which the same was inserted or by some person in the printer's employ knowing the facts;

(2) an affidavit or return of service of such notice upon the occupant of the mortgaged premises to be made by the officer or person making such service or, in case the premises were vacant or unoccupied at the time the service must be made, an affidavit or return showing that fact, to be made by the officer or person attempting to make such service;

(3) an affidavit by the person foreclosing the mortgage, or that person's attorney, or someone knowing the facts, setting forth the facts relating to the military service status of the owner of the mortgaged premises at the time of sale;

(4) an affidavit by the person foreclosing the mortgage, or that person's attorney, or someone having knowledge of the facts, setting forth the fact of service of notice of sale upon the secretary of the Treasury of the United States or the secretary's delegate in accordance with the provisions of Section 7425 of the Internal Revenue Code of 1954 as amended by Section 109 of the Federal Tax

Lien Act of 1966, and also setting forth the fact of service of notice of sale upon the commissioner of revenue of the state of Minnesota in accordance with the provisions of section 270C.63, subdivision 11. Any such affidavit recorded prior to May 16, 1967 shall be effective as prima facie evidence of the facts therein contained as though recorded subsequent to May 16, 1967;

(5) an affidavit by the person foreclosing the mortgage, or that person's attorney, or someone having knowledge of the facts, setting forth the names of the persons to whom a notice of sale was mailed as provided by section 580.032; and

(6) one or more affidavits by the person foreclosing the mortgage, or that person's attorney or a person having knowledge of the facts, stating:

(i) whether section 580.021, 580.04, 580.041, 580.042, 582.039, 582.041, or 582.042 apply to the foreclosure proceedings; and

(ii) if any or all of those sections apply, that all notices required under those sections have been provided.

Such affidavits and returns shall be recorded by the county recorder and they and the records thereof, and certified copies of such records, shall be prima facie evidence of the facts therein contained.

The affidavit provided for in clause (3) hereof may be made and recorded for the purpose of complying with the provisions of the Servicemembers Civil Relief Act, and may be made and recorded at any time subsequent to the date of the mortgage foreclosure sale.

EFFECTIVE DATE. This section is effective for sales conducted on or after August 1, 2009."

Delete the title and insert:

"A bill for an act relating to real property; modifying provisions governing eviction of tenants in property subject to mortgage foreclosure or termination of contract for deed; specifying requirements for vendors under contracts for deed; modifying mortgage foreclosure notices and information requirements; modifying provisions for sheriff's sale postponement and perpetuating evidence of sale; amending Minnesota Statutes 2008, sections 504B.285, subdivision 1; 507.235, by adding a subdivision; 580.021, subdivisions 1, 2; 580.025; 580.04; 580.041, subdivision 1a; 580.042, subdivision 1; 580.07; 580.15."

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

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 1211: A bill for an act relating to public safety; providing earned release dates for imprisoned offenders and requiring that offenders who qualify be placed on enhanced reentry supervised release; repealing the law requiring that short-term offenders be incarcerated in local correctional facilities; appropriating money; amending Minnesota Statutes 2008, sections 244.01, by adding subdivisions; 244.101, subdivisions 1, 2, 3; 609.105, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 244; repealing Minnesota Statutes 2008, section 609.105, subdivisions 1a, 1b.

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

Page 1, line 16, delete "enhanced reentry" and after the second "release" insert "with enhanced reentry services"

Page 1, line 21, delete "Enhanced reentry" and after "release" insert "with enhanced reentry services" and delete ""Enhanced reentry supervised" and insert ""Supervised release with enhanced reentry services""

Page 1, line 22, delete "release"" and after "release" insert "with services"

Page 1, line 23, delete "enhanced reentry" and after "release" insert "with enhanced reentry services"

Page 1, line 24, delete "enhanced reentry"

Page 2, line 1, after the first "release" insert "with enhanced reentry services"

Page 2, line 3, delete "ENHANCED REENTRY" and after "RELEASE" insert "WITH ENHANCED REENTRY SERVICES"

Page 2, line 6, delete "enhanced reentry"

Page 2, line 7, after the first "release" insert "with enhanced reentry services"

Page 2, line 21, delete "enhanced reentry" and after the first "release" insert "with enhanced reentry services"

Page 2, line 24, delete "enhanced reentry" and after "release" insert "with enhanced reentry services"

Page 3, line 11, delete "enhanced reentry" and after "release" insert "with enhanced reentry services"

Page 3, line 17, delete "enhanced reentry" and after "release" insert "with enhanced reentry services"

Amend the title as follows:

Page 1, line 3, delete "enhanced reentry"

Page 1, line 4, after "release" insert "with enhanced reentry services"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Moua from the Committee on Judiciary, to which was re-referred

S.F. No. 1436: A bill for an act relating to human services; modifying provisions relating to the Minnesota sex offender program; creating additional oversight to the Minnesota sex offender program; creating a client grievance process; allowing access to the statewide supervision system; making changes to the vocational work program; amending Minnesota Statutes 2008, sections 16C.10, subdivision 5; 168.012, subdivision 1; 246B.01, by adding subdivisions; 246B.02; 246B.03; 246B.05; 246B.06; 609.485, subdivisions 2, 4.

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

Page 6, delete subdivision 2 and insert:

"Subd. 2. **Minnesota sex offender program evaluation.** (a) The commissioner shall contract with national sex offender experts to evaluate the sex offender treatment program. The consultant group shall consist of four national experts, including:

(1) three experts who are licensed psychologists, psychiatrists, clinical therapists, or other mental health treatment providers with established and recognized training and experience in the assessment and treatment of sexual offenders; and

(2) one nontreatment professional with relevant training and experience regarding the oversight or licensing of sex offender treatment programs or other relevant mental health treatment programs.

(b) These experts shall, in consultation with the executive clinical director of the sex offender treatment program:

(1) review and identify relevant information and evidence-based best practices and methodologies for effectively assessing, diagnosing, and treating clients;

(2) on at least an annual basis, complete a site visit and comprehensive program evaluation that may include a review of program policies and procedures to determine the program's level of compliance, address specific areas of concern brought to the panel's attention by the executive clinical director or executive director, offer recommendations, and complete a written report of its findings to the executive director and clinical director; and

(3) in addition to the annual site visit and review, provide advice, input, and assistance as requested by the executive clinical director or executive director.

(c) The commissioner or commissioner's designee shall enter into contracts as necessary to fulfill the responsibilities under this subdivision."

Page 7, after line 2, insert:

"Sec. 8. **[246B.035] ANNUAL PERFORMANCE REPORT REQUIRED.**

(a) The executive director of the Minnesota sex offender program shall submit electronically a performance report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over funding for the program by January 15 of each year beginning in 2010. The report must include the following:

(1) a description of the program, including the strategic mission, goals, objectives, and outcomes;

(2) the programwide per diem reported in a standard calculated method as outlined in the program policies and procedures;

(3) program annual statistics as outlined in the departmental policies and procedures; and

(4) the sex offender program evaluation report required under section 246B.03. The executive director shall submit a printed copy upon request."

Page 11, after line 26, insert:

"**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes committed on or after that date."

Page 13, after line 5, insert:

"**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes committed on or after that date."

ReNUMBER the sections in sequence

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1082, 402, 140, 1754, 536 and 1302 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Berglin introduced—

S.F. No. 2048: A resolution supporting smoking cessation efforts among Native people.

Referred to the Committee on Health, Housing and Family Security.

Senator Bakk introduced—

S.F. No. 2049: A bill for an act relating to economic development; creating the Minnesota Venture Network Board to provide tax credits to stimulate venture capital investment in Minnesota; creating the Minnesota capital fund to facilitate investments in venture funds; creating the Minnesota venture network trust as a public trust to utilize net profits of the Minnesota capital fund; providing a contingent tax credit for investment commitment in the Minnesota capital fund; amending Minnesota Statutes 2008, section 290.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 297I; proposing coding for new law as Minnesota Statutes, chapter 116W.

Referred to the Committee on Business, Industry and Jobs.

Senators Latz, Doll, Dibble and Moua introduced—

S.F. No. 2050: A bill for an act relating to taxation; exempting certain cities from sales tax on their purchases; amending Minnesota Statutes 2008, section 297A.70, subdivision 2.

Referred to the Committee on Taxes.

Senator Murphy introduced—

S.F. No. 2051: A bill for an act relating to impaired driving; eliminating the pretrial application of certain civil sanctions for impaired driving, including administrative license revocation, vehicle license plate impoundment, and vehicle forfeiture; restructuring postconviction driver's license revocation periods, including work permits, restricted driver's licenses, and B-cards; authorizing a payable fine for misdemeanor impaired driving offenses; establishing requirements for abstinence and rehabilitation for multiple repeat impaired driving offenders; specifying rules governing the introduction at trial of computer source code; amending Minnesota Statutes 2008, sections 84.91; 86B.331; 169A.20, subdivision 2; 169A.44, subdivision 2; 169A.45, by adding a subdivision; 169A.47; 169A.50; 169A.52; 169A.54, subdivisions 1, 10; 169A.55; 169A.60; 169A.63; 169A.75; 171.30; 609.101, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 169A; repealing Minnesota Statutes 2008, sections 169A.276, subdivision 3; 169A.53; 171.165, subdivision 2.

Referred to the Committee on Transportation.

Senator Stumpf introduced—

S.F. No. 2052: A bill for an act relating to natural resources; appropriating money for grants to municipalities for water quality permit compliance.

Referred to the Committee on Finance.

Senator Day introduced—

S.F. No. 2053: A bill for an act relating to taxation; job opportunity building zones; authorizing a duration extension for a zone in the city of Faribault.

Referred to the Committee on Taxes.

Senator Ingebrigtsen introduced—

S.F. No. 2054: A bill for an act relating to arts and cultural heritage; appropriating money for the Kensington Area Heritage Society.

Referred to the Committee on Finance.

Senator Fischbach introduced—

S.F. No. 2055: A bill for an act relating to taxation; city of Sauk Rapids; extending the time to establish a tax increment financing district.

Referred to the Committee on Taxes.

Senators Pariseau and Robling introduced—

S.F. No. 2056: A bill for an act relating to natural resources; restricting conservation easements in certain conditions; modifying the time period to implement local water plans; amending Minnesota Statutes 2008, sections 84C.02; 103B.235, subdivision 4; 103B.325, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Senator Vickerman introduced—

S.F. No. 2057: A bill for an act relating to natural resources; eliminating Department of Natural Resources programs that duplicate private market activities.

Referred to the Committee on Environment and Natural Resources.

Senator Stumpf introduced—

S.F. No. 2058: A bill for an act relating to state lands; authorizing the sale of certain consolidated conservation lands in Roseau County.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Marty moved that the name of Senator Lourey be added as a co-author to S.F. No. 1558. The motion prevailed.

Senator Clark moved that the name of Senator Olson, M. be added as a co-author to S.F. No. 1894. The motion prevailed.

Senator Olseen moved that S.F. No. 1654 be withdrawn from the Committee on Education and re-referred to the Committee on Transportation. The motion prevailed.

Senator Dibble moved that S.F. No. 1990 be withdrawn from the Committee on Health, Housing and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Olson, G. introduced –

Senate Resolution No. 68: A Senate resolution recognizing the service of Edward A. Knudtson, Jr., in the historic Battle of Leyte Gulf.

Referred to the Committee on Rules and Administration.

Senators Koch and Hann introduced –

Senate Resolution No. 69: A Senate resolution celebrating the life of Millard Fuller.

Referred to the Committee on Rules and Administration.

Senator Pogemiller moved that Senate Concurrent Resolution No. 6 be taken from the table. The motion prevailed.

Senate Concurrent Resolution No. 6: A Senate concurrent resolution adopting Permanent Joint Rules of the Senate and House of Representatives.

Senate Pogemiller moved that the Senate concur in the amendments by the House to Senate

Concurrent Resolution No. 6, and that the resolution be re-adopted as amended. The motion prevailed.

Senator Pogemiller moved the adoption of Senate Concurrent Resolution No. 6, as amended by the House.

The question was taken on the adoption of the resolution, as amended.

The roll was called, and there were yeas 46 and nays 21, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed. So the resolution, as amended, was adopted.

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. 1091: A bill for an act relating to transportation; restricting weight limits on the Stillwater Lift Bridge.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Clark	Erickson Ropes	Hann	Koering
Bakk	Cohen	Fischbach	Higgins	Kubly
Berglin	Dahle	Fobbe	Ingebrigtsen	Langseth
Betzold	Day	Foley	Johnson	Latz
Bonoff	Dibble	Frederickson	Jungbauer	Limmer
Carlson	Dille	Gerlach	Kelash	Lourey
Chaudhary	Doll	Gimse	Koch	Lynch

Marty	Olson, M.	Robling	Sheran	Torres Ray
Metzen	Ortman	Rosen	Sieben	Vandever
Michel	Pappas	Rummel	Skoe	Vickerman
Moua	Pariseau	Saltzman	Skogen	Wiger
Murphy	Pogemiller	Saxhaug	Sparks	
Olseen	Prettner Solon	Scheid	Stumpf	
Olson, G.	Rest	Senjem	Tomassoni	

So the bill passed and its title was agreed to.

S.F. No. 643: A bill for an act relating to unemployment compensation; providing eligibility for benefits under certain training programs.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1012: A bill for an act relating to state government; appropriating money for environment and natural resources.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1904: A bill for an act relating to insurance; regulating continuation coverage; conforming Minnesota law to the requirements necessary for assistance eligible individuals who are not enrolled in continuation coverage to receive a federal premium subsidy under the American Recovery and Reinvestment Act of 2009; amending Minnesota Statutes 2008, section 62A.17, by adding a subdivision.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1454: A bill for an act relating to unemployment insurance; providing for a shared work plan; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2008, section 268.135.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 550: A bill for an act relating to energy; providing for energy conservation; regulating utility rates; removing prohibition on issuing certificate of need for new nuclear power plant; providing for various Legislative Energy Commission studies; regulating utilities; amending Minnesota Statutes 2008, sections 216A.03, subdivision 6, by adding a subdivision; 216B.16, subdivisions 2, 6c, 7b, by adding a subdivision; 216B.1645, subdivision 2a; 216B.169, subdivision 2; 216B.1691, subdivision 2a; 216B.23, by adding a subdivision; 216B.241, subdivisions 1c, 5a, 9; 216B.2411, subdivisions 1, 2; 216B.2424, subdivision 5a; 216B.243, subdivisions 3b, 8, 9; 216C.11; proposing coding for new law in Minnesota Statutes, chapter 216C; repealing Laws 2007, chapter 3, section 3.

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 52 and nays 15, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Limmer	Pariseau	Skoe
Bonoff	Gimse	Lourey	Prettner Solon	Skogen
Carlson	Hann	Lynch	Rest	Sparks
Dahle	Ingebrigtsen	Marty	Robling	Stumpf
Day	Johnson	Metzen	Rosen	Tomassoni
Dibble	Jungbauer	Michel	Saltzman	Torres Ray
Dille	Kelash	Murphy	Saxhaug	Vandevveer
Doll	Koch	Olseen	Scheid	Vickerman
Fischbach	Koering	Olson, G.	Senjem	
Fobbe	Langseth	Olson, M.	Sheran	
Foley	Latz	Ortman	Sieben	

Those who voted in the negative were:

Anderson	Chaudhary	Erickson Ropes	Kubly	Pogemiller
Berglin	Clark	Frederickson	Moua	Rummel
Betzold	Cohen	Higgins	Pappas	Wiger

So the bill passed and its title was agreed to.

S.F. No. 10: A bill for an act relating to education finance; requiring school districts to use shared services and make purchases through the cooperative purchasing venture; requiring the Department of Education to hire a consultant to work with districts to share services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 123B.

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 34 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Langseth	Pariseau	Sieben
Berglin	Erickson Ropes	Latz	Pogemiller	Skoe
Betzold	Foley	Lynch	Rest	Stumpf
Bonoff	Frederickson	Metzen	Robling	Tomassoni
Clark	Gerlach	Michel	Saltzman	Torres Ray
Cohen	Higgins	Olson, G.	Saxhaug	Vandevveer
Dibble	Jungbauer	Pappas	Scheid	

Those who voted in the negative were:

Bakk	Fobbe	Koering	Olseen	Sheran
Carlson	Gimse	Kubly	Olson, M.	Skogen
Chaudhary	Hann	Limmer	Ortman	Sparks
Dahle	Ingebrigtsen	Lourey	Prettner Solon	Vickerman
Day	Johnson	Marty	Rosen	Wiger
Dille	Kelash	Moua	Rummel	
Fischbach	Koch	Murphy	Senjem	

So the bill passed and its title was agreed to.

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 Betzold 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. 1486, which the committee recommends to pass.

S.F. No. 3, which the committee recommends to pass, subject to the following motions:

Senator Skogen moved to amend S.F. No. 3 as follows:

Page 2, delete article 1 and insert:

"ARTICLE 1

EDUCATION

Section 1. Minnesota Statutes 2008, section 120B.11, subdivision 5, is amended to read:

Subd. 5. **Report.** (a) By October 1 of each year, the school board shall use standard statewide reporting procedures the commissioner develops and adopt a report that includes the following:

- (1) student achievement goals for meeting state academic standards;
- (2) results of local assessment data, and any additional test data;
- (3) the annual school district improvement plans including staff development goals under section 122A.60;
- (4) information about district and learning site progress in realizing previously adopted improvement plans; and
- (5) the amount and type of revenue attributed to each education site as defined in section 123B.04.

(b) The school board shall publish a summary of the report in the local newspaper with the largest circulation in the district, by mail, or by electronic means such as the district Web site. If

electronic means are used, school districts must publish notice of the report in a periodical of general circulation in the district. School districts must make copies of the report available to the public on request. ~~The board shall make a copy of the report available to the public for inspection. The board shall send a copy of the report to the commissioner of education by October 15 of each year.~~

(c) The title of the report shall contain the name and number of the school district and read "Annual Report on Curriculum, Instruction, and Student Achievement." The report must include at least the following information about advisory committee membership:

- (1) the name of each committee member and the date when that member's term expires;
- (2) the method and criteria the school board uses to select committee members; and
- (3) the date by which a community resident must apply to next serve on the committee.

Sec. 2. Minnesota Statutes 2008, section 122A.09, subdivision 7, is amended to read:

Subd. 7. **Commissioner's assistance; board money.** The commissioner shall provide all necessary materials and assistance for the transaction of the business of the Board of Teaching and all moneys received by the Board of Teaching shall be paid into the state treasury as provided by law. The expenses of administering sections 122A.01, 122A.05 to 122A.09, 122A.15, 122A.16, 122A.17, 122A.18, 122A.20, 122A.21, 122A.22, 122A.23, 122A.26, 122A.30, ~~122A.32~~, 122A.40, 122A.41, 122A.42, 122A.45, 122A.49, 122A.52, 122A.53, 122A.54, 122A.55, 122A.56, 122A.57, and 122A.58 which are incurred by the Board of Teaching shall be paid for from appropriations made to the Board of Teaching.

Sec. 3. Minnesota Statutes 2008, section 123B.10, subdivision 1, is amended to read:

Subdivision 1. **Budgets; form of notification.** (a) Every board must publish revenue and expenditure budgets for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the commissioner within one week of the acceptance of the final audit by the board, or November 30, whichever is earlier. The forms prescribed must be designed so that year to year comparisons of revenue, expenditures and fund balances can be made.

(b) A school board annually must notify the public of its revenue, expenditures, fund balances, and other relevant budget information. The board must include the budget information required by this section in the materials provided as a part of its truth in taxation hearing, post the materials in a conspicuous place on the district's official Web site, including a link to the district's school report card on the Department of Education's Web site, and publish a summary of the information in a qualified newspaper of general circulation in the district.

Sec. 4. Minnesota Statutes 2008, section 123B.143, subdivision 1, is amended to read:

Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent must be vested in the board in all cases. An individual employed by a board as a superintendent shall have an initial employment contract for a period of time no longer than three years from the date of employment. Any subsequent employment contract must not exceed a period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration

of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall perform the following:

(1) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;

(2) recommend to the board employment and dismissal of teachers;

(3) superintend school grading practices and examinations for promotions;

(4) make reports required by the commissioner; and

~~(5) by January 10, submit an annual report to the commissioner in a manner prescribed by the commissioner, in consultation with school districts, identifying the expenditures that the district requires to ensure an 80 percent student passage rate on the MCA-Its taken in the eighth grade, identifying the highest student passage rate the district expects it will be able to attain on the MCA-Its by grade 12, and the amount of expenditures that the district requires to attain the targeted student passage rate; and~~

~~(6) perform other duties prescribed by the board.~~

Sec. 5. Minnesota Statutes 2008, section 123B.71, subdivision 1, is amended to read:

Subdivision 1. **Consultation.** A school district shall consult with the commissioner of education before developing any plans and specifications to construct, remodel, or improve the building or site of an educational facility for which the estimated cost exceeds ~~\$250,000~~ \$500,000. This consultation shall occur before a referendum for bonds, solicitation for bids, or use of capital expenditure facilities revenue according to section 126C.10, subdivision 14, clause (2). The commissioner may require the district to participate in a management assistance plan before conducting a review and comment on the project.

Sec. 6. Minnesota Statutes 2008, section 123B.71, subdivision 8, is amended to read:

Subd. 8. **Review and comment.** A school district, a special education cooperative, or a cooperative unit of government, as defined in section 123A.24, subdivision 2, must not initiate an

installment contract for purchase or a lease agreement, hold a referendum for bonds, nor solicit bids for new construction, expansion, or remodeling of an educational facility that requires an expenditure in excess of \$500,000 per school site if it has a capital loan outstanding, or \$1,400,000 per school site if it does not have a capital loan outstanding, prior to review and comment by the commissioner. The commissioner may exempt a facility maintenance project funded with general education aid and levy, alternative facilities bonding and levy program, or health and safety revenue from this provision after reviewing a written request from a school district describing the scope of work. A school board shall not separate portions of a single project into components to avoid the requirements of this subdivision.

Sec. 7. Minnesota Statutes 2008, section 123B.71, subdivision 12, is amended to read:

Subd. 12. **Publication.** (a) At least 20 days but not more than 60 days before a referendum for bonds or solicitation of bids for a project that has received a positive or unfavorable review and comment under section 123B.70, the school board shall publish a summary of the commissioner's review and comment of that project in the legal newspaper of the district. Supplementary information shall be available to the public.

(b) The publication requirement in paragraph (a) does not apply to alternative facilities projects approved under section 123B.59. Publication for alternative facilities projects shall be as specified in section 123B.59, subdivisions 3 and 3a.

Sec. 8. Minnesota Statutes 2008, section 124D.10, subdivision 20, is amended to read:

Subd. 20. **Leave to teach in a charter school.** If a teacher employed by a district makes a written request for an extended leave of absence to teach at a charter school, the district must grant the leave. The district must grant a leave not to exceed a total of five years. Any request to extend the leave shall be granted only at the discretion of the school board. The district may require that the request for a leave or extension of leave be made ~~up to 90 days before the teacher would otherwise have to report for duty~~ before February 1 in the school year preceding the school year in which the teacher wishes to begin the leave, or February 1 of the calendar year in which the leave is scheduled to terminate. Except as otherwise provided in this subdivision and except for section 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

During a leave, the teacher may continue to aggregate benefits and credits in the Teachers' Retirement Association account by paying both the employer and employee contributions based upon the annual salary of the teacher for the last full pay period before the leave began. The retirement association may impose reasonable requirements to efficiently administer this subdivision.

Sec. 9. Minnesota Statutes 2008, section 124D.19, subdivision 3, is amended to read:

Subd. 3. **Community education director.** (a) Except as provided under paragraphs (b) and (c), each board shall employ a licensed community education director. The board shall submit the name of the person who is serving as director of community education under this section on the district's annual community education report to the commissioner.

(b) A board may apply to the Minnesota Board of School Administrators under Minnesota Rules, part 3512.3500, subpart 9, for authority to use an individual who is not licensed as a community

education director.

(c) A board of a district with a total population of ~~2,000~~ 4,000 or less may identify an employee who holds a valid Minnesota teacher, principal, or superintendent license under Minnesota Rules, chapter 3512, to serve as director of community education. To be eligible for an exception under this paragraph, the board shall certify in writing to the commissioner that the district has not placed a licensed director of community education on unrequested leave.

Sec. 10. Minnesota Statutes 2008, section 124D.68, subdivision 5, is amended to read:

Subd. 5. **Pupil enrollment.** (a) Any eligible pupil may apply to enroll in an eligible program. Approval of the resident district is not required for:

(1) an eligible pupil to enroll in any eligible program in a nonresident district under subdivision 3 or 4 or an area learning center established under section 123A.05; or

(2) an eligible pupil under subdivision 2, to enroll in an adult basic education program approved under section 124D.52.

(b) Notwithstanding paragraph (a), a nonresident district must first approve the enrollment application of any eligible pupil who was expelled under section 121A.45 for a reason stated in section 124D.03, subdivision 1, paragraph (b).

EFFECTIVE DATE. This section is effective for the 2009-2010 school year and later.

Sec. 11. Minnesota Statutes 2008, section 125A.57, subdivision 2, is amended to read:

Subd. 2. **Assistive technology device.** "Assistive technology device" means any item, piece of equipment, ~~software,~~ or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of ~~children with disabilities~~ a child with a disability. It does not mean a medical device that is surgically implanted, or replacement of the device.

Sec. 12. Minnesota Statutes 2008, section 125A.61, subdivision 1, is amended to read:

Subdivision 1. **State schools at Faribault.** The Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind are residential schools in Faribault. They are public schools under sections 122A.15, and 122A.16, ~~and 122A.32~~ and state educational institutions.

Sec. 13. Minnesota Statutes 2008, section 126C.44, is amended to read:

126C.44 SAFE SCHOOLS LEVY.

(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to \$30 multiplied by the district's adjusted marginal cost pupil units for the school year. The proceeds of the levy must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes: (1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools; (2) to pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools; (3) to pay the costs for a gang resistance education training curriculum in the

district's schools; (4) to pay the costs for security in the district's schools and on school property; (5) to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district; or (6) to pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems. For expenditures under clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

(b) A school district that is a member of an intermediate school district may include in its authority under this section the costs associated with safe schools activities authorized under paragraph (a) for intermediate school district programs. This authority must not exceed \$10 times the adjusted marginal cost pupil units of the member districts. This authority is in addition to any other authority authorized under this section. Revenue raised under this paragraph must be transferred to the intermediate school district.

(c) A school district must set aside at least \$3 per adjusted marginal cost pupil unit of the safe schools levy proceeds for the purposes authorized under paragraph (a), clause (6). ~~The district must annually certify that its total spending on services provided by the employees listed in paragraph (a), clause (6), is not less than the sum of its expenditures for these purposes, excluding amounts spent under this section, in the previous year plus the amount spent under this section.~~

Sec. 14. **REPEALER.**

Minnesota Statutes 2008, sections 120B.11, subdivisions 6, 7, and 8; 120B.39; 121A.06; 122A.32; 122A.628; 122A.75; and 123B.92, subdivision 5, are repealed the day following final enactment."

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. 3 as follows:

Page 9, after line 6, insert:

"Sec. 19. **LIBERTY SCHOOL DISTRICT PILOT PROGRAM.**

Subdivision 1. **Establishment and application.** The commissioner of education may authorize up to three school districts as liberty districts for a period of five years. A school district may apply to the commissioner to be included in the pilot program in the form and manner requested by the commissioner.

Subd. 2. **Mandate reduction petition.** Upon a recorded vote of the school board, a liberty school district may petition the commissioner for an exemption from a mandate in statute. Within 30 days of the receipt of the petition, the commissioner must approve or reject the petition. If the commissioner

rejects the petition, the commissioner must include a statement of reason for rejecting the petition. The commissioner may not approve an exemption from federal mandates or a mandate related to student health, safety, or testing. Upon approval of a petition, the commissioner shall send a notice to the legislative committees with jurisdiction over education policy and education finance including the district receiving the approval and the mandate that has been exempted.

Sec. 20. **RULEMAKING.**

The commissioner of education must adopt rules creating criteria under which the commissioner will approve or reject liberty school district mandate reduction petitions."

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 43, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Johnson	Limmer	Senjem
Dille	Gimse	Jungbauer	Michel	Sieben
Fischbach	Hann	Koch	Ortman	Vanderveer
Frederickson	Ingebrigtsen	Koering	Rosen	

Those who voted in the negative were:

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

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

Senator Lynch moved to amend S.F. No. 3 as follows:

Page 28, delete section 1

Page 30, lines 24 to 27, strike the old language and delete the new language

Reletter the paragraphs in sequence

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ingebrigtsen moved to amend S.F. No. 3 as follows:

Page 29, after line 34, insert:

"Sec. 2. Minnesota Statutes 2008, section 609.105, subdivision 1, is amended to read:

Subdivision 1. ~~Sentence to less than 180 days more than one year.~~ In a A felony sentence to imprisonment, ~~when the remaining term of imprisonment is for 180 days or less, the defendant more than one year shall be committed~~ commit the defendant to the custody of the commissioner of corrections ~~and must serve the remaining term of imprisonment at a workhouse, work farm, county jail, or other place authorized by law.~~

EFFECTIVE DATE. This section is effective July 1, 2009."

Page 31, after line 12, insert:

"Sec. 4. **REPEALER.**

Minnesota Statutes 2008, section 609.105, subdivisions 1a and 1b, are repealed.

EFFECTIVE DATE. This section is effective July 1, 2009."

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 25 and nays 36, as follows:

Those who voted in the affirmative were:

Carlson	Fischbach	Ingebrigtsen	Kubly	Rosen
Chaudhary	Frederickson	Johnson	Limmer	Senjem
Day	Gerlach	Jungbauer	Michel	Skogen
Dille	Gimse	Koch	Olseen	Sparks
Doll	Hann	Koering	Robling	Vanderveer

Those who voted in the negative were:

Anderson	Dibble	Lynch	Rest	Tomassoni
Bakk	Erickson Ropes	Marty	Rummel	Torres Ray
Berglin	Foley	Metzen	Saltzman	Vickerman
Betzold	Higgins	Moua	Saxhaug	Wiger
Bonoff	Kelash	Murphy	Scheid	
Clark	Langseth	Olson, M.	Sheran	
Cohen	Latz	Pappas	Sieben	
Dahle	Lourey	Prettner Solon	Skoe	

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

Senator Rest moved to amend S.F. No. 3 as follows:

Page 32, after line 13, insert:

"(2) if the agency has been directed by law to adopt the rule or to commence the rulemaking process;"

Page 32, line 14, delete "(2)" and insert "(3)"

Page 32, line 17, delete "(3)" and insert "(4)"

Page 35, delete sections 9 to 11

Page 43, delete section 22

Page 44, delete section 24

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 3 as follows:

Page 43, after line 28, insert:

"Sec. 22. Minnesota Statutes 2008, section 471.661, is amended to read:

471.661 OUT-OF-STATE TRAVEL.

~~By January 1, 2006,~~ The governing body of each statutory or home rule charter city, county, school district, regional agency, or other political subdivision, except a town, must ~~develop~~ have on record a policy that controls travel outside the state of Minnesota for the applicable elected officials of the relevant unit of government. The policy must be approved by a recorded vote and specify:

- (1) when travel outside the state is appropriate;
- (2) applicable expense limits; and
- (3) procedures for approval of the travel.

The policy must be made available for public inspection upon request ~~and reviewed annually.~~ Subsequent changes to the policy must be approved by a recorded vote."

Page 45, line 19, after the second semicolon, insert "and" and delete "; and 471.661"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend S.F. No. 3 as follows:

Page 38, after line 16, insert:

"Sec. 17. Minnesota Statutes 2008, section 387.13, is amended to read:

387.13 PROHIBITIONS.

No sheriff, or deputy sheriff, ~~or coroner~~ shall appear or practice as an attorney, solicitor, or counselor at law in any court, or draw or fill up any process, pleading, or paper for any party in any action or proceeding, nor, with intent to be employed in the collection of any demand or the service of any process, advise or counsel any person to commence an action or proceeding; ~~nor shall any.~~ This prohibition does not apply to a deputy sheriff who is acting with the approval of the appointing sheriff. A sheriff ~~be~~ is not eligible to any hold other elective office. A sheriff, or deputy sheriff, ~~or coroner~~ violating any of the provisions of this section is guilty of a petty misdemeanor.

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

Renumber the sections in sequence and correct internal references

Amend the title numbers accordingly

The motion prevailed. So the amendment was adopted.

Senator Bakk moved to amend S.F. No. 3 as follows:

Page 46, after line 5, insert:

"Sec. 2. Minnesota Statutes 2008, section 275.065, subdivision 1, is amended to read:

Subdivision 1. **Proposed levy.** (a) Notwithstanding any law or charter to the contrary, on or before September 15, each taxing authority, other than a school district, shall adopt a proposed budget and shall certify to the county auditor the proposed or, in the case of a town, the final property tax levy for taxes payable in the following year.

(b) On or before September 30, each school district that has not mutually agreed with its home county to extend this date shall certify to the county auditor the proposed property tax levy for taxes payable in the following year. Each school district that has agreed with its home county to delay the certification of its proposed property tax levy must certify its proposed property tax levy for the following year no later than October 7. The school district shall certify the proposed levy as:

(1) a specific dollar amount by school district fund, broken down between voter-approved and non-voter-approved levies and between referendum market value and tax capacity levies; or

(2) the maximum levy limitation certified by the commissioner of education according to section 126C.48, subdivision 1.

(c) If the board of estimate and taxation or any similar board that establishes maximum tax levies for taxing jurisdictions within a first class city certifies the maximum property tax levies for funds under its jurisdiction by charter to the county auditor by September 15, the city shall be deemed to have certified its levies for those taxing jurisdictions.

(d) For purposes of this section, "taxing authority" includes all home rule and statutory cities, towns, counties, school districts, and special taxing districts as defined in section 275.066. Intermediate school districts that levy a tax under chapter 124 or 136D, joint powers boards established under sections 123A.44 to 123A.446, and Common School Districts No. 323, Franconia, and No. 815, Prinsburg, are also special taxing districts for purposes of this section.

(e) At the meeting at which the taxing authority adopts its proposed tax levy under paragraph (a) or (b), the taxing authority shall announce the time and place of its subsequent regularly scheduled meetings at which the budget and levy will be discussed and at which the public will be allowed to speak. The time and place of those meetings must be included in the proceedings or summary of proceedings published in the official newspaper of the taxing authority under sections 123B.09, 375.12, or 412.191."

Page 46, line 27, after "determined" insert ", which must occur after November 24"

Page 46, line 28, after "notice" insert "on or before the time it certifies its proposed levy under subdivision 1. The public must be allowed to speak at the meetings"

Page 48, lines 3, 4, and 5, reinstate the stricken language

Page 48, lines 7, 9, and 28, delete the new language and reinstate the stricken language

Page 56, delete sections 5 and 6

Page 60, delete section 11

Page 63, delete sections 14 and 15

Page 64, delete section 16

Page 64, line 16, delete "(a)"

Page 64, delete lines 18 and 19

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Senjem moved to amend the Bakk amendment to S.F. No. 3, adopted by the Senate April 6, 2009, as follows:

Page 1, delete lines 2 to 36 and insert:

"Pages 45 to 52, delete sections 1 to 4"

Page 2, delete lines 1 and 2

Page 2, after line 6, insert:

"Pages 59 to 62, delete sections 9 to 13"

Page 2, delete lines 10 and 11 and insert:

"Page 64, delete section 17"

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Johnson	Lynch	Senjem
Day	Gerlach	Jungbauer	Michel	Vandever
Dille	Gimse	Koch	Ortman	Wiger
Doll	Hann	Koering	Robling	
Fischbach	Ingebrigtsen	Limmer	Rosen	

Those who voted in the negative were:

Bakk	Bonoff	Clark	Dibble	Foley
Berglin	Carlson	Cohen	Erickson Ropes	Higgins
Betzold	Chaudhary	Dahle	Fobbe	Kelash

Kubly	Metzen	Pogemiller	Saxhaug	Sparks
Langseth	Moua	Prettner Solon	Scheid	Stumpf
Latz	Murphy	Rest	Sieben	Tomassoni
Lourey	Olseen	Rummel	Skoe	Torres Ray
Marty	Olson, M.	Saltzman	Skogen	Vickerman

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

S.F. No. 3 was then recommended to pass.

S.F. No. 462, which the committee recommends to pass with the following amendment offered by Senator Latz:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2008, section 169A.275, subdivision 7, is amended to read:

Subd. 7. **Exception.** (a) A judge is not required to sentence a person as provided in this section if the judge requires the person as a condition of probation to drive only motor vehicles equipped with an ignition interlock device meeting the standards described in section 171.306.

(b) This subdivision expires July 1, ~~2009~~ 2011."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 489, which the committee recommends to pass with the following amendment offered by Senator Clark:

Page 6, line 12, delete "reference to the totality of"

Page 6, line 13, delete "but not limited to," and delete "need"

Page 6, line 14, delete "for a reverse mortgage, and the values,"

Page 6, line 15, delete "values," and delete the third comma

The motion prevailed. So the amendment was adopted.

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 Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

prevailed.

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

S.F. No. 1328: A bill for an act relating to education; providing for policy and funding for early childhood, family, adult, and prekindergarten through grade 12 education, including general education; education excellence; special programs; facilities and technology; nutrition; libraries and accounting; early education, prevention, self-sufficiency, and lifelong learning; state agencies; and forecast adjustments; creating a consolidated levy; modifying charter school provisions; reducing mandates; allocating prekindergarten allowances; appropriating money; amending Minnesota Statutes 2008, sections 16A.06, subdivision 11; 119A.52; 120A.22, subdivisions 11, 12; 120A.24; 120A.40; 120A.41; 120B.02; 120B.021, subdivision 1; 120B.023, subdivision 2; 120B.024; 120B.11, subdivision 5; 120B.30, subdivisions 1, 1a, 2, by adding a subdivision; 120B.31, subdivisions 1, 3, 4; 120B.35; 120B.36; 121A.035, subdivision 2; 121A.037; 121A.15, subdivision 8; 121A.41, subdivisions 7, 10; 121A.43; 122A.06, subdivision 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 7; 122A.18, subdivisions 2, 2a, by adding a subdivision; 122A.31, subdivision 4; 122A.413, subdivision 2; 122A.414, subdivision 2b, by adding a subdivision; 122A.415, by adding subdivisions; 122A.60, subdivision 1a; 122A.61, subdivision 1; 123A.05; 123A.06; 123A.08; 123B.03, subdivision 1; 123B.10, subdivision 1; 123B.14, subdivision 7; 123B.143, subdivision 1; 123B.42, subdivision 1; 123B.44, subdivision 1; 123B.51, by adding a subdivision; 123B.54; 123B.59, subdivisions 6, 7; 123B.70, subdivision 1; 123B.71, subdivisions 1, 8, 9, 12; 123B.77, subdivision 3; 123B.81, subdivisions 3, 4, 5; 123B.83, subdivision 3; 124D.095, subdivisions 3, 4, 7, 10; 124D.10, subdivisions 1, 2a, 3, 4, 4a, 5, 6, 6a, 7, 8, 9, 11, 13, 14, 15, 17, 20, 23, 23a, 25, by adding subdivisions; 124D.11, subdivision 9, by adding a subdivision; 124D.128, subdivisions 2, 3; 124D.13, subdivision 13; 124D.135, subdivision 3; 124D.15, subdivision 3; 124D.19, subdivisions 3, 10, 14; 124D.42, subdivision 6, by adding a subdivision; 124D.522; 124D.60, subdivision 1; 124D.68, subdivisions 2, 3, 4, 5; 124D.83, subdivision 4; 124D.86, subdivision 3; 125A.01; 125A.02; 125A.07; 125A.08; 125A.091, subdivisions 7, 10, 12, 13, 14, 16, 18, 19, 20, 24, 25, 27, 28, by adding a subdivision; 125A.11, subdivision 1; 125A.15; 125A.28; 125A.51; 125A.57, subdivision 2; 125A.61, subdivision 1; 125A.62, subdivision 8; 125A.63, subdivisions 2, 4; 125A.744, subdivision 3; 125A.76, subdivision 1; 125B.26, subdivisions 1, 2, 3, 4; 126C.05, subdivisions 2, 15, 20; 126C.10, subdivisions 2a, 13a, 13b, 29, 30, 32, 33, 34, 35, 36; 126C.13, subdivision 4, by adding subdivisions; 126C.15, subdivisions 2, 4; 126C.17, subdivision 9; 126C.21, subdivision 3, by adding a subdivision; 126C.40, subdivision 6; 126C.44; 127A.08, by adding a subdivision; 127A.47, subdivisions 5, 7; 127A.49, subdivisions 2, 3; 134.31, subdivision 4a, by adding a subdivision; 134.34, subdivisions 1, 4; 171.05, subdivision 2; 171.17, subdivision 1; 171.22, subdivision 1; 181A.05, subdivision 1; 299A.297; 299F.30, subdivision 1; 299F.47, subdivision 4; Laws 2007, chapter 146, article 1, section 24, subdivisions 2, as amended, 4, as amended, 5, as amended, 6, as amended, 7, as amended, 8, as amended; article 2, section 46, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, as amended, 9, as amended; article 3, section 24, subdivisions 3, as amended, 4, as amended, 7; article 4, section 16, subdivisions 2, as amended, 6, as amended, 8, as amended; article 5, section 13, subdivisions 2, as amended, 3, as amended; article 9, section 17, subdivisions 2, as amended, 4, as amended, 8, as amended, 9, as amended, 13, as amended; proposing coding for new law in Minnesota Statutes, chapters 1; 4; 120B; 122A; 124D; 125B; 127A; repealing Minnesota Statutes 2008, sections 120A.26, subdivisions 1, 2; 120B.11, subdivisions 6, 7, 8; 120B.362; 120B.39; 121A.06; 121A.27; 122A.24; 122A.32; 122A.628; 122A.72, subdivisions 3, 4; 122A.75; 123B.92, subdivision 5; 124D.10,

subdivisions 18, 19, 26; 125A.05; 125A.091, subdivisions 1, 2, 3, 4, 22, 23; 126C.10, subdivisions 13a, 13b, 29, 30, 32, 33, 34, 35, 36; Laws 2008, chapter 363, article 2, section 48; Minnesota Rules, parts 3525.0210, subparts 34, 43; 3525.0400; 3525.2445; 3525.4220.

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

Page 10, line 26, after "school" insert "district"

Page 11, line 33, delete "\$428,674,000" and insert "\$228,674,000" and delete "\$584,940,000" and insert "\$234,940,000"

Page 16, line 21, before "Each" insert "(a)"

Page 16, line 29, delete "is \$271,000,000. The statewide" and insert "and later is \$488,161,000."

Page 16, delete lines 30 to 33 and insert:

"(b) Notwithstanding paragraph (a), \$200,000,000 of the statewide average daily membership adjustment for fiscal year 2011 only shall be apportioned based on each district and charter school's proportionate share of the statewide total adjusted average daily membership for fiscal year 2010."

Page 18, after line 36, insert:

"Sec. 36. Minnesota Statutes 2008, section 126C.455, is amended to read:

126C.455 SWIMMING POOL LEVY.

Each year, a school district ~~with its home office located in a county that has (i) a population density of ten or fewer persons per square mile according to the 2000 census of population; (ii) an international border; and (iii) more than one school district within its boundaries,~~ may levy for the net operational costs of a swimming pool. The levy may not exceed the net actual costs of operation of the swimming pool for the previous year. Net actual costs are defined as operating costs less any operating revenues and less any payments from other local governmental units.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and later."

Page 22, delete lines 9 and 10 and insert:

"(E) section 126C.13, if the district received general education aid according to section 126C.13, subdivision 4, paragraph (b), clause (1), item (i), of that section in the second preceding year;

(F) section 126C.10, subdivision 13a, if the district received operating capital aid according to section 126C.10, subdivision 13b, in the second preceding year;"

Page 22, line 11, strike "(F)" and insert "(G)"

Page 22, line 13, strike "(G)" and insert "(H)"

Page 22, line 15, strike "(H)" and insert "(I)"

Page 22, line 17, strike "(I)" and insert "(J)"

Page 22, line 19, strike "(J)" and insert "(K)"

Page 22, line 21, strike "(K)" and insert "(L)"

Page 23, delete lines 13 and 14 and insert:

"(E) section 126C.13, if the district received general education aid according to section 126C.13, subdivision 4, paragraph (b), clause (1), item (i), of that section in the second preceding year;

(F) section 126C.10, subdivision 13a, if the district received operating capital aid according to section 126C.10, subdivision 13b, in the second preceding year;"

Page 23, line 15, strike "(F)" and insert "(G)"

Page 23, line 17, strike "(G)" and insert "(H)"

Page 23, line 19, strike "(H)" and insert "(I)"

Page 23, line 21, strike "(I)" and insert "(J)"

Page 23, line 23, strike "(J)" and insert "(K)"

Page 23, line 25, strike "(K)" and insert "(L)"

Page 25, line 24, before "average" insert "statewide"

Page 26, line 13, delete "221" and insert "\$221"

Page 29, delete section 1

Page 52, lines 31 and 32, reinstate the stricken "five" and delete "two"

Page 53, line 6, reinstate the stricken "five" and delete "two" and reinstate the stricken "five" and delete "two"

Page 59, line 12, delete "(a)" and insert "(b)" and delete "(i)" and insert "(1)"

Page 62, line 7, delete "Cancelation" and insert "Cancellation"

Page 111, line 20, reinstate the stricken "five" and delete "two"

Page 131, line 30, delete "and" and insert "or"

Page 136, line 31, strike "software,"

Renumber the sections in sequence

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. No. 1328 was read the second time.

MEMBERS EXCUSED

Senator Sieben was excused from the Session of today from 11:00 to 11:25 a.m. Senator Doll

was excused from the Session of today from 11:00 to 11:30 a.m. Senators Olson, G. and Pariseau were excused from the Session of today at 12:00 noon.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 8:30 a.m., Tuesday, April 7, 2009. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

INDEX TO DAILY JOURNAL

Monday, April 6, 2009

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 1691 to 1692

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
140	1694	1704			
383	1694				
402	1693	1704			
536	1695	1704			
918	1694				
1082	1692	1704			
1211	1701				
1284	1695				
1302	1696	1704			
1328	1723	1725			
1436	1702				
1754	1694	1704			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
1558	1706		
1654	1706		
1894	1706		
1990	1706		
Sen. Con.			
No. 6	1706		
Sen. Res.			
No. 68	1706		
Sen. Res.			
No. 69	1706		

CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
10	1710		
550	1710		
643	1708		
1012	1708		

1091	1707
1454	1709
1904	1709

GENERAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
3		1711
462		1722
489		1722
1486		1711

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F Nos. 2048 to 2058	Pages 1704 to 1706
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