

FORTY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 30, 2009

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. Kevin Anderson.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 684, 1711 and 1904.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 29, 2009

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. 1147: A bill for an act relating to real property; modifying provisions governing orders to secure vacant property; specifying notice requirements; modifying provisions governing the reduced redemption period for abandoned property; establishing a duty to protect vacant foreclosed property under certain circumstances; providing for the imposition of fines for failure to maintain property; altering the posting requirement for trespassing on construction sites; modifying provisions governing public nuisances; imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 463.251, subdivisions 2, 3; 504B.151, subdivision 1; 504B.178, subdivision 8; 580.021, subdivision 1; 580.04; 580.041, subdivision 1a; 580.042, subdivision 1; 582.031; 582.032, subdivisions 2, 4, 5; 609.605, subdivision 1; 617.80, subdivision 7, by adding a subdivision; 617.81, subdivisions 2, 4.

Senate File No. 1147 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 29, 2009

Senator Higgins moved that the Senate do not concur in the amendments by the House to S.F. No. 1147, 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. 1091: A bill for an act relating to transportation; restricting weight limits on the Stillwater Lift Bridge.

Senate File No. 1091 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 29, 2009

Senator Senjem, for Senator Vandever, moved that the Senate do not concur in the amendments by the House to S.F. No. 1091, 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 that the House refuses to concur in the Senate amendments to House File No. 523:

H.F. No. 523: 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.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Bigham, Peterson and Dettmer have been appointed as such committee on the part of the House.

House File No. 523 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 29, 2009

Senator Saltzman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 523, 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 that the House refuses to concur in the Senate amendments to House File No. 878:

H.F. No. 878: A bill for an act relating to transportation; adding provision governing relocation of highway centerline; modifying provisions relating to county state-aid highways and municipal state-aid streets; regulating placement of advertising devices; providing procedures for plats of lands abutting state rail bank property; amending Minnesota Statutes 2008, sections 161.16, by adding a subdivision; 162.06, subdivision 5; 162.07, subdivision 2; 162.09, subdivision 4; 162.13, subdivision 2; 173.02, by adding subdivisions; 173.16, subdivision 4; 505.03, subdivision 2.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Hortman, Morgan and Smith have been appointed as such committee on the part of the House.

House File No. 878 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 29, 2009

Senator Pogemiller, for Senator Rest, moved that the Senate accede to the request of the House

for a Conference Committee on H.F. No. 878, 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 House Files, herewith transmitted: H.F. Nos. 1056, 988 and 1476.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 29, 2009

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 1056: A bill for an act relating to construction; requiring prompt payment to construction subcontractors; regulating progress payments and retainages; amending Minnesota Statutes 2008, section 337.10, subdivisions 3, 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 638, now on General Orders.

H.F. No. 988: A bill for an act relating to drivers' licenses; prohibiting commissioner of public safety from complying with Real ID Act.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 738, now on General Orders.

H.F. No. 1476: A bill for an act relating to liquor; modifying and clarifying certain licensing requirements; authorizing various licenses; modifying provision relating to shipments into the state; providing for wine tastings; extending certain on-sale hours; amending Minnesota Statutes 2008, sections 340A.101, by adding a subdivision; 340A.301, subdivision 4; 340A.315, subdivisions 2, 7; 340A.401; 340A.404, subdivisions 1, 4, 4a; 340A.412, subdivision 14; 340A.414, subdivision 1; 340A.417; 340A.419, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 340A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1313, now on General Orders.

REPORTS OF COMMITTEES

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

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

S.F. No. 2113: A bill for an act relating to disaster relief; responding to flood and storms of March 2009; providing money to match federal disaster assistance made available through FEMA

Public Assistance Program and Individual Assistance Program; providing aid for costs that are not eligible for assistance through those programs or from other federal government agencies or insurance; providing for flood disaster enrollment impact aid to school districts; providing for temporary waivers of certain program requirements; providing aid for Hugo tornado; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2008, sections 12.221, subdivision 4; 12A.10.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

DISASTER RELIEF

Section 1. **DISASTER RELIEF APPROPRIATION SUMMARY.**

The amounts shown in this section summarize direct appropriations made in this article.

SUMMARY

<u>Public Safety</u>	\$	9,180,000
<u>Board of Water and Soil Resources</u>		2,000,000
<u>Education</u>		173,000
<u>Employment and Economic Development</u>		200,000
<u>Housing Finance</u>		2,700,000
<u>Revenue</u>		250,000
<u>Human Services</u>		200,000
<u>Transportation</u>		2,900,000
<u>Natural Resources</u>		50,000,000
<u>Bond Sale Expenses</u>		60,000
<u>Appropriation Reduction</u>		(10,653,000)
<u>TOTAL</u>	\$	57,010,000
<u>General Fund</u>		(350,000)
<u>Bond Proceeds Fund</u>		54,455,000
<u>Trunk Highway Fund Bond Proceeds Account</u>		2,700,000
<u>Trunk Highway Fund</u>		205,000

Sec. 2. **DISASTER RELIEF APPROPRIATIONS.**

Subdivision 1. **Appropriations** The sums shown in the column under "Appropriations" are appropriated from the bond proceeds fund to be spent to acquire and to better publicly owned land and buildings and other public improvements of a capital nature, and from other named funds, for relief as specified in this article from the flooding and storms that occurred on or after March 16, 2009, in the areas in Minnesota designated under presidential Declaration of an Emergency

FEMA-3304-EM and Presidential Declaration of a Major Disaster FEMA-1830-DR, whether included in the original declarations or added later by federal government action, referred to in this article as "the area included in DR-1830." The appropriations included in this act are available through June 30, 2011, except that appropriations of bond proceeds or for capital improvements are available until the project is completed or abandoned, subject to Minnesota Statutes, section 16A.642. The appropriations in this article are onetime.

Subd. 2. **Transfers.** If there is a shortage of money for a program funded in this article, or in the money available for state and local match under Minnesota Statutes, section 12.221, unused general fund money appropriated for any other program or project in this article may be transferred for assistance in the disaster area, to another program or project funded in this chapter. Appropriation transfers must be used to cover unmet needs in a program or project under this chapter. The commissioner of finance must approve all transfers under this section and must report each transfer to the chairs of the senate Finance Committee and house of representatives Ways and Means Committee.

APPROPRIATIONS

Sec. 3. **PUBLIC SAFETY**

Subdivision 1. **Total Appropriations** \$ 9,180,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **State Match for Individual Assistance** 26,000

For the state match for federal disaster assistance to individuals under Minnesota Statutes, section 12.221. This appropriation is from the general fund.

Subd. 3. **State and Local Match** 9,154,000

Appropriations by Fund

General 5,254,000

Bond Proceeds 3,900,000

For the state and local match for federal disaster assistance to state agencies and other eligible applicants under Minnesota Statutes, section 12.221.

The appropriation from the bond proceeds fund is available to fund 100 percent of the state and local match obligations for publicly owned capital improvement projects

incurred through the receipt of federal disaster assistance.

Subd. 4. Waiver of Contract Approval Procedures

State and federal disaster assistance distributed by the commissioner of public safety is not subject to the contract approval procedures of Minnesota Statutes, chapter 16A, 16B, or 16C. The commissioner of public safety may adopt internal procedures for administration and monitoring of aids and grants.

Sec. 4. BOARD OF WATER AND SOIL RESOURCES

Subdivision 1. Total Appropriation

\$ 2,000,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

The board may transfer appropriations within this section and may adjust the technical and administrative assistance portion of the appropriation to leverage federal or other nonstate money or to address high priority needs identified in local water management, emergency preparedness, or hazard mitigation plans.

Subd. 2. Reinvest in Minnesota (RIM) Conservation Easements

500,000

From the bond proceeds fund to acquire conservation easements from landowners on marginal lands in the area included in DR-1830 that were damaged by the storms and floods of March and April 2009 to restore and protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, section 103F.515.

Subd. 3. Erosion, Sediment, and Water Quality Control Cost-Share Program

1,000,000

From the general fund to install, repair, or rehabilitate erosion and sediment control

projects in the area included in DR-1830 that were damaged by the storms and floods of March and April 2009 to restore and protect soil and water quality and to support fish and wildlife habitat.

Subd. 4. Red River Basin Commission Grant

500,000

From the general fund for a grant to the Red River Basin Commission to develop a comprehensive plan of action to address flooding and related water quality and land conservation issues in the Red River watershed. The plan must take into account previous federal, state, provincial, regional, and local assessments and make specific recommendations for floodplain management goals and outcomes for the Red River Basin including structural and nonstructural measures, water storage allocations by major watershed, and delineation of roles and responsibilities and time frames for implementation. The commission shall report progress to the legislature by January 15, 2010, and each year thereafter.

Subd. 5. Waivers Authorized

(a) The board may waive the provisions of Minnesota Statutes, section 103C.501, and Minnesota Rules, chapter 8400, in the area included in DR-1830 on land damaged by the disaster. The waiver applies to all existing and future contracts to address critical conservation problems resulting from the disaster that are funded in whole or in part with state money, to the extent that combined federal and state funding does not exceed 100 percent. All existing state cost-share grant agreements in the disaster area are extended, as provided in law.

(b) The payment maximums for improvements to the land under Minnesota Statutes, section 103F.515, subdivision 6, paragraph (a), clause (1), are waived for easements acquired in the area included in DR-1830 on land damaged by the disaster.

Sec. 5. EDUCATION**Subdivision 1. Total Appropriation****\$ 173,000**

From the general fund for additional costs and loss of pupil units relating to the floods of March and April 2009. The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Disaster Enrollment Impact Aid**127,000**

For disaster enrollment impact aid under Minnesota Statutes, section 12A.06, subdivision 1, calculated at a rate of \$5,946 per pupil in average daily membership lost during fiscal year 2009.

Subd. 3. Disaster Relief Facilities Grants**15,000**

For disaster relief facilities grants under Minnesota Statutes, section 12A.06, subdivision 2.

Subd. 4. Disaster Relief Operating Grants**13,000**

For disaster relief operating grants under Minnesota Statutes, section 12A.06, subdivision 3.

Subd. 5. Pupil Transportation Grants**18,000**

For pupil transportation grants under Minnesota Statutes, section 12A.06, subdivision 4.

Sec. 6. EMPLOYMENT AND ECONOMIC DEVELOPMENT**Minnesota Investment Fund****\$ 200,000**

From the general fund for transfer to the Minnesota investment fund for grants to local units of government for locally administered grant or loan programs for businesses and nonprofit organizations directly and adversely affected by the flood. Assistance under this section is not limited to businesses. Payments

may be made for property damage and cleanup.

Criteria and requirements must be locally established with the approval of the commissioner. For the purposes of this appropriation, Minnesota Statutes, sections 116J.8731, subdivisions 3, 4, 5, and 7; 116J.993; 116J.994; and 116J.995, are waived. Businesses that receive grants or loans from this appropriation must set goals for jobs retained and wages paid within the area included in DR-1830.

Before any grants under this section are awarded to a local unit of government, the commissioner of employment and economic development shall report to the chairs and ranking minority members of the senate Finance Committee and house of representatives Ways and Means Committee the criteria and requirements to be used by local units of government in the grant or loan programs they will administer.

Sec. 7. HOUSING FINANCE

Economic Development and Housing Challenge Program

\$ 2,700,000

From the general fund to the Housing Finance Agency for transfer to the housing development fund for the economic development and housing challenge program under Minnesota Statutes, section 462A.33, for assistance in the area included in DR-1830, Individual Assistance Declaration. The maximum loan amount per housing structure is \$30,000. Within the limits of available appropriations, the agency may increase the maximum amount if the cost of repair or replacement of the residential property exceeds the total of the maximum loan amount and any assistance available from FEMA, other federal government agencies including the Small Business Administration, and private insurance and flood insurance benefits.

For assistance under this section, the requirements of Minnesota Statutes, section 462A.33, subdivisions 3 and 5, and Minnesota Rules, part 4900.3632, are waived.

Sec. 8. **REVENUE**

City Flood Loss Aid **\$** **250,000**

From the general fund to pay flood loss aid to cities under section 16.

Sec. 9. **HUMAN SERVICES**

Medical Assistance Providers **\$** **200,000**

From the general fund for payments to medical assistance providers under Minnesota Statutes, section 12A.10.

Sec. 10. **TRANSPORTATION**

Subdivision 1. Total Appropriation **\$** **2,900,000**

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Infrastructure Operation and Maintenance **200,000**

From the trunk highway fund.

Subd. 3. State Trunk Highways and Bridges **2,700,000**

From the bond proceeds account in the trunk highway fund for the reconstruction and repair of trunk highways and trunk highway bridges that are located in the area included in DR-1830 and that suffered flood-related damage in 2009.

Sec. 11. **NATURAL RESOURCES**

Flood Hazard Mitigation Grants **\$** **50,000,000**

To the commissioner of natural resources for the purposes specified in this section.

For the state share of flood hazard

mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage under Minnesota Statutes, section 103F.161.

This appropriation includes money to maximize federal funds for projects in Ada, Breckenridge, and Roseau. Any money remaining from this appropriation is for the following projects as prioritized by the commissioner based on need:

(a) Ada

(b) Agassiz Valley

(c) Albert Lea

(d) Argyle

(e) Austin

(f) Bois de Sioux Watershed District, North Ottawa project

(g) Breckenridge

(h) Browns Valley

(i) Crookston

(j) Granite Falls

(k) Hay Creek-Norland

(l) Inver Grove Heights

(m) Manston Slough

(n) Moorhead

(o) Oakport Township

\$12,000,000 is for the Oakport Township project.

(p) Red Path

(q) Roseau

(r) Shell Rock

(s) Spring Brook

(t) Stillwater

(u) St. Vincent

(v) Two Rivers

For any project listed in this subdivision that the commissioner determines is not ready to proceed or does not expend all the money allocated to it, the commissioner may allocate that project's money to a project on the commissioner's priority list.

To the extent that the cost of a project in Ada, Breckenridge, Browns Valley, Crookston, Granite Falls, Oakport Township, Roseau, St. Vincent, or any other community affected by the April 2009 flooding in the Red River basin exceeds two percent of the median household income in the municipality multiplied by the number of households in the municipality, this appropriation is also for the local share of the project.

Sec. 12. **BOND SALE EXPENSES** \$ 60,000

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8.

Appropriations by Fund

<u>Bond proceeds</u>	<u>55,000</u>
<u>Trunk highway</u>	<u>5,000</u>

Sec. 13. **APPROPRIATION REDUCTION** \$ (10,653,000)

This reduction is from the general fund appropriation in 2009 H.F. No. 2323, article 15, section 15, as amended by the Senate April 28, 2009.

Sec. 14. **BOND SALE AUTHORIZATIONS.**

Subdivision 1. **Bond proceeds fund.** To provide the money appropriated in this article from the bond proceeds fund, the commissioner of finance, at the request of the commissioner of public safety, shall sell and issue bonds of the state in an amount up to \$54,455,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 2. **Trunk highway fund.** To provide the money appropriated in this article from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and

issue bonds of the state in an amount up to \$2,705,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amount requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the trunk highway fund.

Sec. 15. Minnesota Statutes 2008, section 12A.10, is amended to read:

12A.10 HUMAN SERVICES.

Subdivision 1. **Costs eligible for payment.** Notwithstanding the limitations of section 12A.01 and the requirement in section 12A.03 that all appropriations must be used to assist with recovery, the commissioner may pay parties under contract, provider agreement, or other arrangement with the commissioner as of the date of ~~the~~ a natural disaster, or the date when action was taken in anticipation of a possible natural disaster or other event that threatens the health and safety of individuals served by a program that receives funding from medical assistance for the costs of evacuation, transportation, ~~or~~ medical ~~or~~, remedial, or personal care services provided to vulnerable residents. Costs eligible for payment under this section are those necessary to ensure the health and safety of medical assistance recipients during and up to 60 days following the disaster. ~~To the extent allowed under the state's Medicaid state plan, the commissioner shall pay these costs from the medical assistance account.~~ Only costs that are not already paid for by another source are eligible. The commissioner may make payments for documented incremental costs incurred by a party, may determine an estimate of the costs at the sole discretion of the commissioner, or may use a combination of these two methods. If after receiving payment from the commissioner for a documented cost, the provider is able to acquire payment from another source for that cost, the provider shall reimburse the commissioner in the amount paid.

Subd. 2. **Payment in residential program.** In a residential program, the commissioner shall make payment under this section based on an allocation of costs as determined under subdivision 1 between medical assistance recipients and all other residents. The allocation must not be done in a nursing facility. In a nursing facility the commissioner shall pay all of the costs determined under subdivision 1.

Subd. 3. **Source of payment.** The commissioner shall pay costs under this section using money appropriated for medical assistance and shall seek federal cost sharing to the extent permitted under the Medicaid state plan or under waivers granted by the federal Centers for Medicare and Medicaid Services.

Sec. 16. **2009 FLOOD LOSS; CITY REPLACEMENT AID.**

Subdivision 1. **Flood net tax capacity loss.** The county assessor of each qualified county shall compute a hypothetical city taxable net tax capacity for each city in the county based upon market values for assessment year 2010 and the class rates that were in effect for assessment year 2009. The amount, if any, by which the assessment year 2009 total taxable net tax capacity of the city exceeds the hypothetical taxable net tax capacity of the city is the city's "flood net tax capacity loss." A county assessor of a qualified county that contains a city that has a flood net tax capacity loss that exceeds five percent of its assessment year 2009 total taxable net tax capacity shall certify the city's flood net tax capacity loss to the commissioner of revenue by August 1, 2009.

As used in this section, a "qualified county" is a county located within the area included in

DR-1830.

Subd. 2. **Flood loss aid.** In 2010, each city with a flood net tax capacity loss equal to or greater than five percent of its assessment year 2009 total taxable net tax capacity is entitled to flood loss aid equal to the flood net tax capacity loss times the city's average local tax rate for taxes payable in 2009.

Subd. 3. **Duties of commissioner.** The commissioner of revenue shall determine each city's aid amount under this section. The commissioner shall notify each eligible city of its flood loss aid amount by August 15, 2009. The commissioner shall make payments to each city after July 1, and before July 20, 2010.

Subd. 4. **Optional city expenditure.** A city that receives aid under this section may choose to expend a portion of the aid received for repair of county roads located within the city.

Subd. 5. **Appropriation.** The amount necessary to pay the aid amounts under this section in fiscal year 2011, for calendar year 2010, is appropriated to the commissioner of revenue from the general fund.

Sec. 17. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

ARTICLE 2

HUGO TORNADO RELIEF

Section 1. **GRANT.**

The sum of \$350,000 is appropriated from the general fund to the commissioner of employment and economic development for a grant to the city of Hugo for the cost of debris clearance and other disaster costs resulting from damage caused by the May 25, 2008, tornado. This is a onetime appropriation and is available until expended.

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

Delete the title and insert:

"A bill for an act relating to disaster relief; responding to storms and floods of March and April 2009; providing money to match federal disaster assistance made available through FEMA Public Assistance Program and Individual Assistance Program; providing aid for costs that are not eligible for assistance through those programs or from other federal government agencies or insurance; providing for flood disaster enrollment impact aid to school districts; providing for temporary waivers of certain program requirements; providing aid for Hugo tornado; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2008, section 12A.10."

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

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

S.F. No. 1011: A bill for an act relating to claims against the state; providing for settlement of various claims; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. **DEPARTMENT OF CORRECTIONS.**

The amounts in this section are appropriated from the general fund to the commissioner of corrections in fiscal year 2010 for full and final payment under Minnesota Statutes, sections 3.738 and 3.739, of claims against the state for injuries suffered by and medical services provided to persons injured while performing community service or sentence-to-service work for correctional purposes or while incarcerated in a state correctional facility. This appropriation is available until June 30, 2010.

(a) For sentence-to-service and community work service claims under \$500 and other claims already paid by the Department of Corrections, \$5,000.48.

(b) For payment to Jorge Arias for permanent injuries suffered while performing sentence-to-service work in Hennepin County, \$2,625, and for payment to medical providers for treatment of Mr. Arias' injuries, \$6,108.52.

(c) For payment to Roy Biver for permanent injuries suffered while performing sentence-to-service work in Hennepin County, \$1,875, and for reimbursement of medical expenses he already paid, \$325.75; for payment to medical providers for treatment of Mr. Biver's injuries, \$408.87.

(d) For payment to Shane T. Bramer for permanent injuries suffered while performing assigned duties at MCF-Stillwater, \$7,500.

(e) For payment to medical providers for treatment of Richard Christiansen, who suffered medical problems while performing sentence-to-service work in Rice County, \$1,201.50.

(f) For payment to Harlan Gale for permanent injuries suffered while performing assigned duties at MCF-Stillwater, \$750.

(g) For payment to Elijah Gosling for permanent injuries suffered while performing assigned duties at MCF-Faribault, \$2,700.

(h) For payment to Jeffrey J. Hookham for permanent injuries suffered while performing assigned duties at MCF-Faribault, \$1,875.

(i) For payment to Abdihakim Mohamed for permanent injuries suffered while performing assigned duties at MCF-Faribault, \$1,875.

(j) For payment to Cameron B. Nygard for permanent injuries suffered while performing assigned duties at MCF-Faribault, \$4,837.50.

(k) For payment to Curtis Rainey for permanent injuries suffered while performing assigned duties at MCF-Stillwater, \$3,750.

(l) For payment to Ronnie H. Schultz for permanent injuries suffered while performing assigned duties at MCF-Stillwater, \$1,500.

(m) For payment to medical providers for treatment of James Joseph Serich, who suffered

injuries while performing community work service in Itasca County, \$2,844.86.

(n) For payment to medical providers for treatment of Thomas Spires, who suffered medical problems while performing sentence-to-service work in Dakota County, \$752.27.

(o) For payment to medical providers for treatment of Thomas P. Streeter, who suffered medical problems while performing sentence-to-service work in Wright County, \$1,012.84.

(p) For payment to Thomas William Tolve for permanent injuries suffered while performing assigned duties at MCF-Faribault, \$4,050.

(q) For payment to medical providers for treatment of Kerri Wirtz, who suffered injuries while performing sentence-to-service work in Todd County, \$1,559.64.

Sec. 2. DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT.

The Department of Employment and Economic Development is authorized to pay Nancy J. Teklenburg of Solway, Minnesota, \$13,517 for economic loss caused by a departmental error. This payment must be made from existing departmental funds pursuant to Minnesota Statutes, section 268.196.

EFFECTIVE DATE. This section is effective retroactively from July 16, 2008.

Sec. 3. DEPARTMENT OF REVENUE.

\$1,412 is appropriated from the general fund to the commissioner of revenue in fiscal year 2010 for full and final payment of the claim of Mary K. Egge of Forest Lake, Minnesota, for her 2005 property tax refund."

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. 1445: A bill for an act relating to health; modifying provisions in health occupations for speech language pathologists and occupational therapists; expanding definition of licensed health care professional; changing provisions for food, beverage, and lodging establishments; requiring the Department of Health to use rules and guidelines from the federal government to implement the minimum data set for resident reimbursement classification; establishing fees; amending Minnesota Statutes 2008, sections 148.512, subdivision 13; 148.5193, subdivision 6a; 148.5194, subdivisions 2, 3, 7; 148.6402, subdivisions 13, 22a; 148.6405; 148.6440, subdivision 2; 157.16, subdivisions 2, 4; repealing Minnesota Rules, parts 4610.0420; 4610.0500, subparts 1, 2, 3, 5; 4610.0600, subparts 1, 3, 4; 4610.0650.

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

Page 1, after line 13, insert:

"Section 1. **[145.58] PEDIATRIC VACCINE ADMINISTRATION.**

The commissioner of health shall enroll a licensed pharmacy or individual pharmacist as a program-registered provider in the Pediatric Vaccine Administration Program under section 13631 of the federal Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, based on the

program's infrastructure capacity to enroll the additional pharmacy providers in the program."

Page 6, after line 32, insert:

"Sec. 11. Minnesota Statutes 2008, section 151.01, subdivision 27, is amended to read:

Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

- (1) interpretation and evaluation of prescription drug orders;
- (2) compounding, labeling, and dispensing drugs and devices (except labeling by a manufacturer or packager of nonprescription drugs or commercially packaged legend drugs and devices);
- (3) participation in clinical interpretations and monitoring of drug therapy for assurance of safe and effective use of drugs;
- (4) participation in drug and therapeutic device selection; drug administration for first dosage and medical emergencies; drug regimen reviews; and drug or drug-related research;
- (5) participation in administration of influenza vaccines to all eligible individuals ~~over~~ ten years of age and older and all other vaccines to patients 18 years of age and older under standing orders from a physician licensed under chapter 147 or by written protocol with a physician provided that:
 - (i) the pharmacist is trained in a program approved by the American Council of Pharmaceutical Education for the administration of immunizations or graduated from a college of pharmacy in 2001 or thereafter; and
 - (ii) the pharmacist reports the administration of the immunization to the patient's primary physician or clinic;
- (6) participation in the practice of managing drug therapy and modifying drug therapy, according to section 151.21, subdivision 1, according to a written protocol between the specific pharmacist and the individual dentist, optometrist, physician, podiatrist, or veterinarian who is responsible for the patient's care and authorized to independently prescribe drugs. Any significant changes in drug therapy must be reported by the pharmacist to the patient's medical record;
- (7) participation in the storage of drugs and the maintenance of records;
- (8) responsibility for participation in patient counseling on therapeutic values, content, hazards, and uses of drugs and devices; and
- (9) offering or performing those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy."

Page 7, after line 30, insert:

"Sec. 15. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall renumber Minnesota Statutes, section 43A.312, as section 62J.63 and make any cross-reference changes in Minnesota Statutes."

Renumber the sections in sequence

Amend the title accordingly

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. 1481: A bill for an act relating to the budget reserve; modifying priorities for additional revenues in general fund forecasts; requiring a report; appropriating money; amending Minnesota Statutes 2008, sections 4A.01; 16A.103, subdivisions 1a, 1b, by adding a subdivision; 16A.11, subdivision 1, by adding a subdivision; 16A.152, subdivision 2, by adding a subdivision.

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

Page 1, delete section 1

Page 5, delete sections 10 and 11

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "appropriating money;"

Amend the title numbers accordingly

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. 711: A bill for an act relating to human services; modifying parental fees for services for persons with developmental disabilities; amending Minnesota Statutes 2008, section 252.27, subdivision 2a.

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

Page 2, lines 18 to 20, reinstate the stricken language and delete the new language

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2113, 1011, 1445, 1481 and 711 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Saltzman moved that the name of Senator Sieben be added as a co-author to S.F. No. 402. The motion prevailed.

Senator Betzold moved that the name of Senator Sieben be added as a co-author to S.F. No. 431. The motion prevailed.

Senator Skogen moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 492. The motion prevailed.

Senator Dibble moved that the name of Senator Sieben be added as a co-author to S.F. No. 916. The motion prevailed.

Senator Kelash moved that the name of Senator Sieben be added as a co-author to S.F. No. 1705. The motion prevailed.

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated H.F. No. 1242 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1242: A bill for an act relating to public safety; establishing Brandon's Law; implementing procedures for investigating missing person cases; amending Minnesota Statutes 2008, sections 299C.51; 299C.52; 299C.53; 299C.54, subdivisions 1, 2, 3, 3a; 299C.55; 299C.56; 299C.565; 390.25, subdivision 2; 626.8454, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299C.

Senator Frederickson moved to amend H.F. No. 1242, as amended pursuant to Rule 45, adopted by the Senate April 22, 2009, as follows:

(The text of the amended House File is identical to S.F. No. 1146.)

Page 8, line 15, delete "parties" and insert "members of the public"

The motion prevailed. So the amendment was adopted.

H.F. No. 1242 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended, was 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 Calendar. The motion prevailed.

CALENDAR

S.F. No. 247: A bill for an act relating to public health; protecting the health of children; prohibiting bisphenol-A in products for young children; proposing coding for new law in Minnesota Statutes, chapter 325F.

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 53 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Carlson	Hann	Koering	Ortman
Dille	Ingebrigtsen	Michel	Vandevveer

So the bill passed and its title was agreed to.

S.F. No. 1489: A bill for an act relating to the Central Lakes Region Sanitary District; exempting certain bonds from elector approval; authorizing special charges; authorizing dissolution of the district; amending Laws 2003, chapter 127, article 9, section 9, by adding subdivisions.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on S.F. No. 140. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Kelash	Murphy	Saxhaug
Bakk	Dibble	Langseth	Olseen	Sieben
Berglin	Doll	Latz	Olson, M.	Skoe
Betzold	Erickson Ropes	Lourey	Pappas	Stumpf
Carlson	Fobbe	Lynch	Pogemiller	Tomassoni
Chaudhary	Foley	Marty	Prettner Solon	Torres Ray
Cohen	Higgins	Moua	Rummel	Wiger

Those who voted in the negative were:

Bonoff	Hann	Limmer	Robling	Skogen
Day	Ingebrigtsen	Metzen	Rosen	Sparks
Dille	Johnson	Michel	Saltzman	Vanderveer
Frederickson	Koch	Olson, G.	Scheid	Vickerman
Gerlach	Koering	Ortman	Senjem	
Gimse	Kubly	Pariseau	Sheran	

So the bill passed and its title was agreed to.

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.

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 45 and nays 17, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1462: A bill for an act relating to health; modifying isolation and quarantine provisions and provisions for mass dispensing of medications; amending Minnesota Statutes 2008, sections 144.4195, subdivisions 1, 2, 3, 5; 144.4197; 145A.06, subdivision 7; 151.37, subdivisions 2, 10; proposing coding for new law in Minnesota Statutes, chapter 144.

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 57 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hann	Koch	Ortman
Ingebrigtsen	Limmer	Vandev eer

So the bill passed and its title was agreed to.

S.F. No. 1399: A bill for an act relating to natural resources; approving the consumptive use of water for snowmaking in St. Louis County.

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 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Tomassoni

Torres Ray

Vandevor

Vickerman

Wiger

Those who voted in the negative were:

Gerlach

So the bill passed and its title was agreed to.

S.F. No. 1009: A bill for an act relating to public safety; clarifying the prostitution penalty enhancement provision for repeat offenders; broadening the prostitution in a public place crime; making driving records relating to prostitution offenses public for repeat offenders and ensuring that they are available to law enforcement for first-time offenders; amending Minnesota Statutes 2008, sections 609.321, subdivision 12; 609.324, subdivisions 2, 3, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1217: A bill for an act relating to health; modifying emergency medical transport provisions; requiring that certain information be provided to regional trauma advisory councils; amending Minnesota Statutes 2008, sections 144.604, subdivisions 1, 2; 144.608, subdivision 3; repealing Minnesota Statutes 2008, section 144.604, subdivision 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Higgins	Lourey	Ortman
Bakk	Dille	Ingebrigtsen	Lynch	Pappas
Berglin	Doll	Johnson	Marty	Pariseau
Betzold	Erickson Ropes	Kelash	Metzen	Pogemiller
Bonoff	Fobbe	Koch	Michel	Prettner Solon
Carlson	Foley	Koering	Moua	Robling
Chaudhary	Frederickson	Kubly	Murphy	Rosen
Cohen	Gerlach	Langseth	Olseen	Rummel
Dahle	Gimse	Latz	Olson, G.	Saltzman
Day	Hann	Limmer	Olson, M.	Saxhaug

Scheid
Senjem
Sheran

Sieben
Skoe
Skogen

Sparks
Stumpf
Tomassoni

Torres Ray
Vandever
Vickerman

Wiger

So the bill passed and its title was agreed to.

S.F. No. 1425: A bill for an act relating to construction codes; providing for regulation of elevators in grain elevators and similar structures; amending Minnesota Statutes 2008, section 326B.163, 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 0, as follows:

Those who voted in the affirmative were:

Anderson
Bakk
Berglin
Betzold
Bonoff
Carlson
Chaudhary
Cohen
Dahle
Day
Dibble
Dille
Doll

Erickson Ropes
Fobbe
Foley
Frederickson
Gerlach
Gimse
Hann
Higgins
Ingebrigtsen
Johnson
Kelash
Koch
Koering

Kubly
Langseth
Latz
Limmer
Lourey
Lynch
Marty
Metzen
Michel
Moua
Murphy
Olseen
Olson, G.

Olson, M.
Ortman
Pappas
Pariseau
Pogemiller
Prettner Solon
Robling
Rosen
Rummel
Saltzman
Saxhaug
Scheid
Senjem

Sheran
Sieben
Skoe
Skogen
Sparks
Stumpf
Tomassoni
Torres Ray
Vandever
Vickerman
Wiger

So the bill passed and its title was agreed to.

S.F. No. 556: A bill for an act relating to transportation; highways; prohibiting certain activities at rest areas; prescribing petty misdemeanor penalty; proposing coding for new law in Minnesota Statutes, chapter 160.

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 57 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson
Bakk
Berglin
Betzold
Bonoff
Carlson
Chaudhary
Cohen
Dahle
Day
Dibble
Dille

Doll
Erickson Ropes
Fobbe
Foley
Frederickson
Gimse
Higgins
Ingebrigtsen
Johnson
Kelash
Koch
Kubly

Langseth
Latz
Lourey
Lynch
Marty
Metzen
Michel
Moua
Murphy
Olseen
Olson, G.
Olson, M.

Pappas
Pariseau
Pogemiller
Prettner Solon
Robling
Rosen
Rummel
Saltzman
Saxhaug
Scheid
Senjem
Sheran

Sieben
Skoe
Skogen
Sparks
Stumpf
Tomassoni
Torres Ray
Vickerman
Wiger

Those who voted in the negative were:

Gerlach

Hann

Koering

Limmer

Ortman

Vandever

So the bill passed and its title was agreed to.

RECESS

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

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

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:

H.F. No. 1309: Senator Olseen replaces Senator Doll.

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.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that S.F. No. 1599, No. 69 on General Orders, be stricken and re-referred to the Committee on Commerce and Consumer Protection, and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 1599. The motion prevailed.

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

GENERAL ORDERS

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

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

S.F. Nos. 492, 431, 1887, 538, 574, 1494, 1476, 1611, 1479, 1435 and 908, which the committee recommends to pass.

S.F. No. 1302, which the committee recommends to pass with the following amendment offered by Senator Scheid:

Page 3, delete lines 13 to 18 and insert:

"For the purposes of this section, an "authorized foreclosure prevention counseling agency" or "counseling agency" is a government agency or a nonprofit agency approved funded, all or in part, for foreclosure prevention services, by the Minnesota Housing Finance Agency or the United States Department of Housing and Urban Development, or otherwise approved by the United States Department of Housing and Urban Development to provide foreclosure prevention counseling services."

The motion prevailed. So the amendment was adopted.

S.F. No. 863, which the committee recommends to pass with the following amendments offered by Senators Olson, M. and Betzold:

Senator Olson, M. moved to amend S.F. No. 863 as follows:

Page 14, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 2008, section 332.70, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section:

(a) "Business screening service" means a person regularly engaged in the business of collecting, assembling, evaluating, or disseminating ~~criminal record information~~ records on individuals for a fee. Business screening service does not include a government entity, ~~as defined in section 13.02,~~ or the news media.

(b) "Conviction" has the meaning given in section 609.02, subdivision 5.

(c) "Criminal record" means a public record originating from a government entity in Minnesota or a Minnesota court of an arrest, citation, prosecution, criminal proceeding, or conviction. "Criminal proceeding" does not include a written court opinion.

(d) "Government entity" has the meaning given in section 13.02.

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

Sec. 9. Minnesota Statutes 2008, section 332.70, subdivision 2, is amended to read:

Subd. 2. **Criminal records.** A business screening service must not disseminate a criminal record unless the record has been updated within the previous ~~month~~ 90 days.

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

Sec. 10. Minnesota Statutes 2008, section 332.70, subdivision 3, is amended to read:

Subd. 3. **Correction and deletion of records.** (a) If the completeness or accuracy of a criminal record maintained by a business screening service is disputed by the individual who is the subject of the record, the screening service shall, without charge, investigate the disputed record. In conducting an investigation, the business screening service shall review and consider all relevant information submitted by the subject of the record with respect to the disputed record to determine whether the

record maintained by the business screening service accurately reflects the content of the record maintained by the government entity or the court.

(b) ~~If the disputed record is found to be inaccurate or incomplete, the business screening service shall promptly correct the record.~~ If, upon investigation, the business screening service determines that the record does not accurately reflect the content of the record maintained by the government entity or the court, the business screening service shall correct the disputed record to accurately reflect the content of that record. If the disputed record is found to be sealed, expunged, or the subject of a pardon, the business screening service shall promptly delete the record.

(c) A business screening service may terminate an investigation of a disputed record if the business screening agency reasonably determines that the dispute is frivolous, which may be based on the failure of the subject of the record to provide sufficient information to investigate the disputed record. Upon making a determination that the dispute is frivolous, the business screening service shall inform the subject of the record of the specific reasons why it has determined that the dispute is frivolous and provide a description of any information required to investigate the disputed record.

(d) The business screening service shall notify the subject of the disputed record of the correction or deletion of the record or of the termination or completion of the investigation related to the record within 30 days of the date when the agency receives notice of the dispute from the subject of the record.

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

Sec. 11. Minnesota Statutes 2008, section 332.70, subdivision 4, is amended to read:

Subd. 4. **Date and notice required.** ~~If a business screening service that disseminates a criminal record that is collected on or after July 1, 2009, it must include the date when the record was collected and by the business screening service.~~ A business screening service that disseminates a criminal record must include a notice that the information may include criminal records that have been expunged, sealed, or otherwise have become inaccessible to the public since that date.

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

Amend the title accordingly

Senator Dibble moved to amend the Olson, M. amendment to S.F. No. 863 as follows:

Page 1, line 10, delete everything after "record"

Page 1, line 11, delete the new language

The question was taken on the adoption of the Dibble amendment to the Olson, M. amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Langseth	Olson, M.	Skogen
Bakk	Dibble	Latz	Pappas	Sparks
Berglin	Doll	Lourey	Prettner Solon	Stumpf
Bonoff	Erickson Ropes	Lynch	Saxhaug	Torres Ray
Carlson	Fobbe	Marty	Sheran	
Chaudhary	Foley	Murphy	Sieben	
Cohen	Kubly	Olseen	Skoe	

Those who voted in the negative were:

Betzold	Higgins	Limmer	Pogemiller	Senjem
Day	Ingebrigtsen	Metzen	Rest	Tomassoni
Dille	Johnson	Michel	Robling	Vandever
Frederickson	Jungbauer	Moua	Rosen	Vickerman
Gerlach	Kelash	Olson, G.	Rummel	Wiger
Gimse	Koch	Ortman	Saltzman	
Hann	Koering	Pariseau	Scheid	

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

The question recurred on the adoption of the Olson, M. amendment. The motion prevailed. So the amendment was adopted.

Senator Betzold moved to amend S.F. No. 863 as follows:

Page 12, line 25, delete "Minnesota"

Page 12, line 26, delete everything before the period and insert "section 144.382, subdivision 4"

The motion prevailed. So the amendment was adopted.

S.F. No. 863 was then recommended to pass.

S.F. No. 341, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 341.

The roll was called, and there were yeas 37 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Latz	Prettner Solon	Skoe
Berglin	Erickson Ropes	Lourey	Rest	Sparks
Betzold	Foley	Lynch	Rummel	Tomassoni
Bonoff	Higgins	Marty	Saltzman	Torres Ray
Carlson	Kelash	Metzen	Saxhaug	Wiger
Chaudhary	Koering	Moua	Scheid	
Dahle	Kubly	Pappas	Sheran	
Dibble	Langseth	Pogemiller	Sieben	

Those who voted in the negative were:

Day	Hann	Limmer	Ortman	Skogen
Fobbe	Ingebrigtsen	Michel	Pariseau	Stumpf
Frederickson	Johnson	Olseen	Robling	Vandever
Gerlach	Jungbauer	Olson, G.	Rosen	Vickerman
Gimse	Koch	Olson, M.	Senjem	

The motion prevailed. So S.F. No. 341 was recommended to pass.

S.F. No. 910, which the committee recommends to pass with the following amendment offered by Senator Tomassoni:

Page 1, line 8, delete "INDUSTRY" and insert "AND MESSENGER/COURIER INDUSTRIES"

Page 1, line 10, delete "vehicle" and insert "car, van, truck, tractor, or truck-tractor"

Page 1, line 11, delete "as a truck, tractor, truck-tractor, or messenger/courier"

Page 1, line 12, delete "regulatory"

Page 1, line 13, delete "are" and insert "is"

Page 1, line 18, after "including" insert a comma

Page 2, line 7, strike "industry/independent" and insert "and messenger/courier industries; independent"

Page 2, line 8, delete "or" and insert "and" and strike "vehicle" and insert "car, van, truck, tractor, or truck-tractor"

Page 2, line 9, strike "as a truck, tractor," and strike "truck-tractor" and delete the new language

Page 2, line 10, strike "regulatory"

Page 2, line 11, delete the second comma

Page 2, line 12, before "and" insert a comma

Page 2, line 19, after "including" insert a comma

Page 2, line 25, delete the new language

Page 2, line 26, delete the new language

The motion prevailed. So the amendment was adopted.

S.F. No. 1469, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 1469.

The roll was called, and there were yeas 57 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach	Hann	Ingebrigtsen	Jungbauer	Vandev eer
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The motion prevailed. So S.F. No. 1469 was recommended to pass.

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

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. 1147: Senators Higgins, Scheid and Ortman.

S.F. No. 1091: Senators Vandevveer, Murphy and Saltzman.

H.F. No. 523: Senators Saltzman, Scheid and Olson, G.

H.F. No. 878: Senators Rest, Carlson and Jungbauer.

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

MEMBERS EXCUSED

Senator Fischbach was excused from the Session of today. Senator Pappas was excused from the Session of today from 11:00 to 11:50 a.m. Senator Jungbauer was excused from the Session of today from 11:00 a.m. to 1:00 p.m. Senator Rest was excused from the Session of today from 11:00 a.m. to 1:45 p.m. Senator Clark was excused from the Session of today from 11:00 a.m. to 2:45 p.m. Senator Murphy was excused from the Session of today at 1:30 p.m. Senator Higgins was excused from the Session of today at 2:15 p.m. Senator Rosen was excused from the Session of today at 2:50 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Monday, May 4, 2009. The motion prevailed.

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

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