

FORTY-NINTH DAY

St. Paul, Minnesota, Thursday, May 7, 2009

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

CALL OF THE SENATE

Senator Betzold 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. Richard Carlson.

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

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

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.

May 6, 2009

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

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

Secretary of State, S.F. Nos. 1904, 1711 and 684.

Sincerely,
Tim Pawlenty, Governor

May 6, 2009

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2009 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2009	Date Filed 2009
1904		33	4:34 p.m. May 6	May 6
1711		34	4:35 p.m. May 6	May 6
684		35	4:37 p.m. May 6	May 6

Sincerely,
Mark Ritchie
Secretary of State

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. 298, 1172, 431 and 926.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2009

Mr. President:

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

S.F. No. 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.

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

Hilty, Falk, Johnson, Kalin and Beard.

Senate File No. 550 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2009

Mr. President:

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

S.F. No. 708: A bill for an act relating to mortgages; modifying provisions relating to foreclosure consultants; amending Minnesota Statutes 2008, section 325N.01.

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

Mullery, Johnson and Zellers.

Senate File No. 708 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2009

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 818 and 1760.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 6, 2009

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 818: A bill for an act relating to vulnerable adults; authorizing disclosure of financial records in connection with financial exploitation investigations; modifying procedures and duties

for reporting and investigating maltreatment; specifying duties of financial institutions in cases alleging financial exploitation; modifying the crime of financial exploitation; imposing criminal and civil penalties; amending Minnesota Statutes 2008, sections 13A.02, subdivisions 1, 2; 13A.04, subdivision 1; 256B.0595, subdivisions 4, 9; 299A.61, subdivision 1; 388.23, subdivision 1; 609.2335; 609.52, subdivision 3; 611A.033; 626.557, subdivisions 4, 5, 9b, by adding subdivisions; 626.5572, subdivision 21; 628.26.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 758.

H.F. No. 1760: A bill for an act relating to human services; changing provisions for long-term care, adverse health care events, suicide prevention, doula services, developmental disabilities, mental health commitment, alternative care services, self-directed options, nursing facilities, ICF/MR facilities, and data management; requiring a safe patient handling plan; establishing a health department work group and an Alzheimer's disease work group; amending Minnesota Statutes 2008, sections 43A.318, subdivision 2; 62Q.525, subdivision 2; 144.7065, subdivisions 8, 10; 145.56, subdivisions 1, 2; 148.995, subdivisions 2, 4; 182.6551; 182.6552, by adding a subdivision; 252.27, subdivision 1a; 252.282, subdivisions 3, 5; 253B.095, subdivision 1; 256B.0657, subdivision 5; 256B.0913, subdivisions 4, 5a, 12; 256B.0915, subdivision 2; 256B.431, subdivision 10; 256B.433, subdivision 1; 256B.441, subdivisions 5, 11; 256B.5011, subdivision 2; 256B.5012, subdivisions 6, 7; 256B.5013, subdivisions 1, 6; 256B.69, subdivision 9b; 403.03; 626.557, subdivision 12b; proposing coding for new law in Minnesota Statutes, chapter 182; repealing Minnesota Statutes 2008, section 256B.5013, subdivisions 2, 3, 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1526, now on General Orders.

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

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

H.F. No. 534 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
534	613				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 534 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 534, the second engrossment; and insert the language after the enacting clause of S.F. No. 613, the first engrossment; further, delete the title of H.F. No. 534, the second engrossment; and insert the title of S.F. No. 613, the first

engrossment.

And when so amended H.F. No. 534 will be identical to S.F. No. 613, and further recommends that H.F. No. 534 be given its second reading and substituted for S.F. No. 613, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 519 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
519	747				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 519 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 519, the second engrossment; and insert the language after the enacting clause of S.F. No. 747, the second engrossment; further, delete the title of H.F. No. 519, the second engrossment; and insert the title of S.F. No. 747, the second engrossment.

And when so amended H.F. No. 519 will be identical to S.F. No. 747, and further recommends that H.F. No. 519 be given its second reading and substituted for S.F. No. 747, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1677 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1677	1452				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1677 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1677, the first engrossment; and

insert the language after the enacting clause of S.F. No. 1452, the first engrossment; further, delete the title of H.F. No. 1677, the first engrossment; and insert the title of S.F. No. 1452, the first engrossment.

And when so amended H.F. No. 1677 will be identical to S.F. No. 1452, and further recommends that H.F. No. 1677 be given its second reading and substituted for S.F. No. 1452, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1960 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1960	1712				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1960 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1960, the first engrossment; and insert the language after the enacting clause of S.F. No. 1712, the first engrossment; further, delete the title of H.F. No. 1960, the first engrossment; and insert the title of S.F. No. 1712, the first engrossment.

And when so amended H.F. No. 1960 will be identical to S.F. No. 1712, and further recommends that H.F. No. 1960 be given its second reading and substituted for S.F. No. 1712, and that the Senate File be indefinitely postponed.

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

Senator Bakk from the Committee on Taxes, to which was referred the following appointment:

TAX COURT
JUDGE
Sheryl A. Ramstad

Reports the same back with the recommendation that the appointment be confirmed.

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

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

re-referred

S.F. No. 133: A resolution memorializing Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses.

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

SECOND READING OF SENATE BILLS

S.F. No. 133 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 534, 519, 1677 and 1960 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senator Olseen introduced—

S.F. No. 2134: A bill for an act relating to capital improvements; appropriating money for water and sewer improvements in Rush City; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Cohen moved that the name of Senator Lynch be added as a co-author to S.F. No. 2. The motion prevailed.

RECESS

Senator Pogemiller moved that the Senate do now recess until 1:00 p.m. The motion prevailed.

The hour of 1:00 p.m. having arrived, 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

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 885.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 7, 2009

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 885: A bill for an act relating to taxation; making policy, technical, administrative, and clarifying changes to income, corporate franchise, estate, sales, use, minerals, mortgage, property, gross receipts, gambling, cigarette, tobacco, liquor, insurance, and various taxes and tax-related provisions; modifying local government aid and tax data provision; appropriating money; amending Minnesota Statutes 2008, sections 126C.21, subdivision 4; 126C.48, subdivision 8; 270B.14, subdivision 16; 270C.02, subdivision 1; 270C.12, by adding a subdivision; 270C.446, subdivisions 2, 5; 270C.56, subdivision 1; 273.11, subdivision 23; 273.111, subdivision 4; 273.1115, subdivision 2; 273.113, subdivisions 1, 2; 273.1231, subdivision 8; 273.124, subdivision 21; 273.13, subdivisions 23, 25, 33; 273.33, subdivision 2; 273.37, subdivision 2; 274.13, subdivision 2; 274.135, subdivision 3; 274.14; 274.175; 275.70, subdivision 5; 275.71, subdivision 4; 287.04; 287.05, by adding a subdivision; 287.22; 287.25; 289A.08, subdivision 3; 289A.12, by adding a subdivision; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.38, subdivision 7; 289A.41; 290.0671, subdivision 1; 290A.10; 290A.14; 290C.06; 290C.07; 295.56; 295.57, subdivision 5; 296A.21, subdivision 1; 297A.70, subdivisions 2, 4; 297A.992, subdivision 2; 297A.993, subdivision 1; 297E.02, subdivision 4; 297E.06, by adding a subdivision; 297E.11, subdivision 1; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 298.28, subdivisions 4, 11; 423A.02, subdivisions 1b, 3, by adding a subdivision; 473.843, subdivision 3; 477A.011, subdivisions 34, 42; 477A.013, subdivision 8; repealing Minnesota Statutes 2008, sections 287.26; 287.27, subdivision 1; 297A.67, subdivision 24; 298.28, subdivisions 11a, 13; Minnesota Rules, parts 8115.0200; 8115.0300; 8115.0400; 8115.0500; 8115.0600; 8115.1000; 8115.1100; 8115.1200; 8115.1300; 8115.1400; 8115.1500; 8115.1600; 8115.1700; 8115.1800; 8115.1900; 8115.2000; 8115.2100; 8115.2200; 8115.2300; 8115.2400; 8115.2500; 8115.2600; 8115.2700; 8115.2800; 8115.2900; 8115.3000; 8115.4000; 8115.4100; 8115.4200; 8115.4300; 8115.4400; 8115.4500; 8115.4600; 8115.4700; 8115.4800; 8115.4900; 8115.5000; 8115.5100; 8115.5200; 8115.5300; 8115.5400; 8115.5500; 8115.5600; 8115.5700; 8115.5800; 8115.5900; 8115.6000; 8115.6100; 8115.6200; 8115.6300; 8115.6400; 8115.9900.

Senator Pogemiller moved that H.F. No. 885 be referred to the Committee on Rules and Administration. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

SUSPENSION OF RULES

Senator Pogemiller moved that Rule 24.2 be suspended as to the lie-over requirement on the Calendar. The motion prevailed.

CALENDAR

S.F. No. 1504: A bill for an act relating to human services; amending mental health provisions; changing medical assistance reimbursement and eligibility; changing provider qualification and training requirements; amending mental health behavioral aide services; adding an excluded service; changing special contracts with bordering states; amending Minnesota Statutes 2008, sections 148C.11, subdivision 1; 245.4835, subdivisions 1, 2; 245.4885, subdivision 1; 245.50, subdivision 5; 256B.0615, subdivisions 1, 3; 256B.0622, subdivision 8, by adding a subdivision; 256B.0623, subdivision 5; 256B.0624, subdivision 8; 256B.0625, subdivision 49; 256B.0943, subdivisions 1, 2, 4, 5, 6, 7, 9; 256B.0944, 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 58 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Limmer Vandever

So the bill passed and its title was agreed to.

S.F. No. 1867: A bill for an act relating to state government; creating the Minnesota Geospatial Information Office; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2008, section 4A.05.

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 59 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Limmer	Vandever
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So the bill passed and its title was agreed to.

S.F. No. 1889: A bill for an act relating to state government; requiring certain settlements involving the state to be paid to the state general fund; amending Minnesota Statutes 2008, section 16A.151, subdivision 2.

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

So the bill passed and its title was agreed to.

S.F. No. 1459: A bill for an act relating to state government; requiring municipalities to utilize state cooperative purchasing; amending Minnesota Statutes 2008, section 471.345, subdivision 15.

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 36 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Jungbauer	Pappas	Skogen
Berglin	Erickson Ropes	Kelash	Pogemiller	Stumpf
Betzold	Fobbe	Langseth	Rest	Torres Ray
Bonoff	Foley	Latz	Robling	Wiger
Clark	Frederickson	Metzen	Saltzman	
Cohen	Gerlach	Michel	Saxhaug	
Dahle	Hann	Moua	Scheid	
Dibble	Higgins	Olson, G.	Sieben	

Those who voted in the negative were:

Carlson	Johnson	Lynch	Prettner Solon	Vandevver
Chaudhary	Koch	Marty	Rummel	Vickerman
Day	Koering	Olseen	Senjem	
Fischbach	Kubly	Olson, M.	Sheran	
Gimse	Limmer	Ortman	Sparks	
Ingebrigtsen	Lourey	Pariseau	Tomassoni	

So the bill passed and its title was agreed to.

S.F. No. 2: A bill for an act relating to state government; specifying the development of budget recommendations and requiring state agencies to provide information; requiring disclosure of status of fiscal note requests; requiring a report on Minnesota milestones performance measures; modifying state budget requirements; requiring a forecast of cash flow for the general fund; specifying format for detailed budget estimates of expenditures; imposing deadline for notice of deficiency requests; requiring a searchable database of state expenditures; requiring a map of money used to support children; reducing the number of deputy commissioners and eliminating assistant commissioner positions in the unclassified service; providing additional whistleblower protection to state employees; requiring a budget working group; creating pilot program for driver's license reinstatement diversion for individuals charged with driving without valid license; eliminating obsolete requirements; appropriating money; amending Minnesota Statutes 2008, sections 3.885, by adding a subdivision; 3.98, subdivision 4; 3.987, subdivision 1; 4A.01; 4A.02; 15.06, subdivision 8; 16A.055, subdivision 1; 16A.10, subdivisions 1, 2; 16A.11, subdivision 3, by adding a subdivision; 16B.03; 43A.08, subdivision 1; 45.013; 84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035, subdivision 4; 174.02, subdivision 2; 181.932, subdivision 1; 241.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 4A; 16A; 43A; repealing Minnesota Statutes 2008, sections 4A.06; 16A.152, subdivision 1b; 16C.046; 43A.08, subdivision 1b.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 43 and nays 20, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

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.

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

So the bill passed and its title was agreed to.

S.F. No. 1036: A bill for an act relating to state government; ratifying state labor contracts.

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 49 and nays 16, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Gerlach	Johnson	Koering	Ortman
Dille	Hann	Jungbauer	Limmer	Robling
Fischbach	Ingebrigtsen	Koch	Michel	Senjem

Vandev eer

So the bill passed and its title was agreed to.

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; amending Minnesota Statutes 2008, sections 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.

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 46 and nays 19, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

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. 1539: A bill for an act relating to insurance; regulating viatical settlements; enacting and modifying the Viatical Settlements Model Act of the National Association of Insurance Commissions; providing criminal penalties; amending Minnesota Statutes 2008, sections 13.716, subdivision 7; 60A.964, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 2008, sections 60A.961; 60A.962; 60A.963; 60A.965;

60A.966; 60A.967; 60A.968; 60A.969; 60A.970; 60A.971; 60A.972; 60A.973; 60A.974.

Senate File No. 1539 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2009

CONCURRENCE AND REPASSAGE

Senator Gerlach moved that the Senate concur in the amendments by the House to S.F. No. 1539 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1539 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 1910: A bill for an act relating to commerce; providing for the licensing and regulation of certain persons; establishing prelicense and continuing education requirements; amending Minnesota Statutes 2008, sections 45.22; 45.23; 60K.31, by adding a subdivision; 60K.36, subdivision 4, by adding a subdivision; 60K.37, by adding a subdivision; 60K.55, subdivision 2; 60K.56; 72B.02, subdivisions 2, 5, 6, 11, by adding subdivisions; 72B.03; 72B.05; 72B.06; 72B.08, subdivisions 1, 2, 4; 72B.135, subdivisions 1, 2, 3; 82.32; 82B.05, subdivision 1; 82B.08, by adding subdivisions; 82B.09, by adding a subdivision; 82B.10; 82B.13, subdivisions 4, 5, 6; 82B.19, subdivisions 1, 2; 82B.20, by adding a subdivision; proposing coding for new law

in Minnesota Statutes, chapters 45; 60K; 72B; 82; 82B; repealing Minnesota Statutes 2008, sections 72B.02, subdivision 12; 72B.04; 82B.02; Minnesota Rules, parts 2808.0100; 2808.1000; 2808.1100; 2808.1200; 2808.1300; 2808.1400; 2808.1500; 2808.1600; 2808.1700; 2808.2000; 2808.2100; 2808.6000; 2808.7000; 2808.7100; 2809.0010; 2809.0020; 2809.0030; 2809.0040; 2809.0050; 2809.0060; 2809.0070; 2809.0080; 2809.0090; 2809.0100; 2809.0110; 2809.0120; 2809.0130; 2809.0140; 2809.0150; 2809.0160; 2809.0170; 2809.0180; 2809.0190; 2809.0200; 2809.0210; 2809.0220.

Senate File No. 1910 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2009

CONCURRENCE AND REPASSAGE

Senator Dahle moved that the Senate concur in the amendments by the House to S.F. No. 1910 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1910 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 1876: A bill for an act relating to transportation; modifying and updating provisions relating to motor carriers, highways, and the Department of Transportation; making clarifying and

technical changes; amending Minnesota Statutes 2008, sections 168.013, subdivision 1e; 168.185; 169.025; 169.801, subdivision 10; 169.823, subdivision 1; 169.824; 169.8261; 169.827; 169.85, subdivision 2; 169.862, subdivision 2; 169.864, subdivisions 1, 2; 169.865, subdivisions 1, 2, 3, 4; 169.866, subdivision 1; 169.87, subdivision 2, by adding a subdivision; 174.64, subdivision 4; 174.66; 221.012, subdivisions 19, 29; 221.021, subdivision 1; 221.022; 221.025; 221.026, subdivisions 2, 5; 221.0269, subdivision 3; 221.031, subdivisions 1, 3, 3c, 6; 221.0314, subdivisions 2, 3a, 9; 221.033, subdivisions 1, 2; 221.121, subdivisions 1, 7; 221.122, subdivision 1; 221.123; 221.132; 221.151, subdivision 1; 221.161, subdivisions 1, 4; 221.171; 221.172, subdivision 3; 221.185, subdivisions 2, 4, 5a, 9; 221.605, subdivision 1; 221.68; 221.81, subdivision 3d; repealing Minnesota Statutes 2008, sections 169.67, subdivision 6; 169.826, subdivisions 1b, 5; 169.832, subdivisions 11, 11a; 221.012, subdivisions 2, 3, 6, 7, 11, 12, 21, 23, 24, 30, 32, 39, 40, 41; 221.031, subdivision 2b; 221.072; 221.101; 221.111; 221.121, subdivisions 2, 3, 5, 6, 6a, 6c, 6d, 6e, 6f; 221.131, subdivision 2a; 221.141, subdivision 6; 221.151, subdivisions 2, 3; 221.153; 221.172, subdivisions 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8.

Senate File No. 1876 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2009

CONCURRENCE AND REPASSAGE

Senator Carlson moved that the Senate concur in the amendments by the House to S.F. No. 1876 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1876: A bill for an act relating to transportation; modifying and updating provisions relating to motor carriers, highways, and the Department of Transportation; making clarifying and technical changes; amending Minnesota Statutes 2008, sections 168.013, subdivision 1e; 168.185; 169.025; 169.801, subdivision 10; 169.823, subdivision 1; 169.824; 169.8261; 169.827; 169.85, subdivision 2; 169.862, subdivision 2; 169.864, subdivisions 1, 2; 169.865, subdivisions 1, 2, 3, 4; 169.866, subdivision 1; 169.87, subdivision 2; 174.64, subdivision 4; 174.66; 221.012, subdivisions 19, 29; 221.021, subdivision 1; 221.022; 221.025; 221.026, subdivisions 2, 5; 221.0269, subdivision 3; 221.031, subdivisions 1, 3, 3c, 6; 221.0314, subdivisions 2, 3a, 9; 221.033, subdivisions 1, 2; 221.121, subdivisions 1, 7; 221.122, subdivision 1; 221.123; 221.132; 221.151, subdivision 1; 221.161, subdivisions 1, 4; 221.171; 221.172, subdivision 3; 221.185, subdivisions 2, 4, 5a, 9; 221.605, subdivision 1; 221.68; 221.81, subdivision 3d; repealing Minnesota Statutes 2008, sections 169.67, subdivision 6; 169.826, subdivisions 1b, 5; 169.832, subdivisions 11, 11a; 221.012, subdivisions 2, 3, 6, 7, 11, 12, 21, 23, 24, 30, 32, 39, 40, 41; 221.031, subdivision 2b; 221.072; 221.101; 221.111; 221.121, subdivisions 2, 3, 5, 6, 6a, 6c, 6d, 6e, 6f; 221.131, subdivision 2a; 221.141, subdivision 6; 221.151, subdivisions 2, 3; 221.153; 221.172, subdivisions 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8.

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

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

The roll was called, and there were yeas 62 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Koering	Senjem	Skogen	Vandever
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So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 1569: A bill for an act relating to economic development; providing for local collaborative projects to deliver employment, training, and education services.

Senate File No. 1569 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2009

CONCURRENCE AND REPASSAGE

Senator Clark moved that the Senate concur in the amendments by the House to S.F. No. 1569 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1569: A bill for an act relating to workforce development; amending local workforce council representative requirements; establishing collaborative local projects; coordinating employment training and education services; amending Minnesota Statutes 2008, section 116L.666, subdivision 3.

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

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

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

Those who voted in the affirmative were:

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

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

RECESS

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

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

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

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 1: A House concurrent resolution relating to deadlines; deleting the fifth deadline.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 7, 2009

Senator Pogemiller moved that House Concurrent Resolution No. 1 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H.F. No. 885: A bill for an act relating to taxation; making policy, technical, administrative, and clarifying changes to income, corporate franchise, estate, sales, use, minerals, mortgage, property, gross receipts, gambling, cigarette, tobacco, liquor, insurance, and various taxes and tax-related provisions; modifying local government aid and tax data provision; appropriating money; amending Minnesota Statutes 2008, sections 126C.21, subdivision 4; 126C.48, subdivision 8; 270B.14, subdivision 16; 270C.02, subdivision 1; 270C.12, by adding a subdivision; 270C.446, subdivisions 2, 5; 270C.56, subdivision 1; 273.11, subdivision 23; 273.111, subdivision 4; 273.1115, subdivision 2; 273.113, subdivisions 1, 2; 273.1231, subdivision 8; 273.124, subdivision 21; 273.13, subdivisions 23, 25, 33; 273.33, subdivision 2; 273.37, subdivision 2; 274.13, subdivision 2; 274.135, subdivision 3; 274.14; 274.175; 275.70, subdivision 5; 275.71, subdivision 4; 287.04; 287.05, by adding a subdivision; 287.22; 287.25; 289A.08, subdivision 3; 289A.12, by adding a subdivision; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.38, subdivision 7; 289A.41; 290.0671, subdivision 1; 290A.10; 290A.14; 290C.06; 290C.07; 295.56; 295.57, subdivision 5; 296A.21, subdivision 1; 297A.70, subdivisions 2, 4; 297A.992, subdivision 2; 297A.993, subdivision 1; 297E.02, subdivision 4; 297E.06, by adding a subdivision; 297E.11, subdivision 1; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 298.28, subdivisions 4, 11; 423A.02, subdivisions 1b, 3, by adding a subdivision; 473.843, subdivision 3; 477A.011, subdivisions 34, 42; 477A.013, subdivision 8; repealing Minnesota Statutes 2008, sections 287.26; 287.27, subdivision 1; 297A.67, subdivision 24; 298.28, subdivisions 11a, 13; Minnesota Rules, parts 8115.0200; 8115.0300; 8115.0400; 8115.0500; 8115.0600; 8115.1000; 8115.1100; 8115.1200; 8115.1300; 8115.1400; 8115.1500; 8115.1600; 8115.1700; 8115.1800; 8115.1900; 8115.2000; 8115.2100; 8115.2200; 8115.2300; 8115.2400; 8115.2500; 8115.2600; 8115.2700; 8115.2800; 8115.2900; 8115.3000; 8115.4000; 8115.4100; 8115.4200; 8115.4300; 8115.4400; 8115.4500; 8115.4600; 8115.4700; 8115.4800; 8115.4900; 8115.5000; 8115.5100; 8115.5200; 8115.5300; 8115.5400; 8115.5500; 8115.5600; 8115.5700; 8115.5800; 8115.5900; 8115.6000; 8115.6100; 8115.6200; 8115.6300; 8115.6400; 8115.9900.

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

Delete everything after the enacting clause, and the title, of H.F. No. 885 and insert everything after the enacting clause, and the title, of S.F. No. 681, the first engrossment, and that the bill, as amended, be further amended as follows:

Page 67, after line 11, insert:

"ARTICLE 7

APPROPRIATIONS

Section 1. **EDUCATION.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **General education aid.** For general education aid under Minnesota Statutes, section 126C.13, subdivision 4:

\$	.....,000	.....	2010
\$	.....,000	.....	2011

The 2010 appropriation includes \$.....,000 for 2009 and \$.....,000 for 2010.

The 2011 appropriation includes \$.....,000 for 2010 and \$.....,000 for 2011.

Subd. 3. **Special education; regular.** For special education aid under Minnesota Statutes, section 125A.75:

\$	.....,000	.....	2010
\$	.....,000	.....	2011

The 2010 appropriation includes \$.....,000 for 2009 and \$.....,000 for 2010.

The 2011 appropriation includes \$.....,000 for 2010 and \$.....,000 for 2011.

Subd. 4. **Special education; excess costs.** For excess cost aid under Minnesota Statutes, section 125A.79, subdivision 7:

\$	.....,000	.....	2010
\$	.....,000	.....	2011

The 2010 appropriation includes \$.....,000 for 2009 and \$.....,000 for 2010.

The 2011 appropriation includes \$.....,000 for 2010 and \$.....,000 for 2011.

Sec. 2. **HUMAN SERVICES.**

APPROPRIATIONS
Available for the Year
Ending June 30
2010 **2011**

<u>Subdivision 1. Total Appropriation</u>	\$,000	\$,000
--	----	-----------	----	-----------

The sums shown in the columns marked "Appropriations" are appropriated from the general fund to the Department of Human Services for the purposes specified in the following subdivisions. "The first year" is fiscal year 2010. "The second year" is fiscal

year 2011.

Subd. 2. Health Care

(a) Medical Assistance Basic Health Care Grants; Families and Children

.....,000

.....,000

(b) Medical Assistance Basic Health Care Grants; Elderly and Disabled

.....,000

.....,000

Inpatient Hospital Rate Increase. Effective for services rendered on or after July 1, 2009, the commissioner of human services shall provide a ... percent increase in medical assistance payments for inpatient hospital services.

(c) Medical Assistance Long-Term Care Facilities Grants

.....,000

.....,000

Provider Rate Increase. (a) Effective July 1, 2009, the commissioner of human services shall pay to each nursing facility reimbursed under Minnesota Statutes, section 256B.434, an operating payment rate adjustment equal to ... percent of the operating payment rates determined by the blending in Minnesota Statutes, section 256B.441, subdivision 55, paragraph (a).

(b) Effective July 1, 2009, the commissioner of human services shall pay to each intermediate care facility for persons with developmental disabilities reimbursed under Minnesota Statutes, section 256B.5012, an adjustment to the total operating payment rate of ... percent."

Amend the title accordingly

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

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section

19, of the Constitution of Minnesota, with respect to H.F. No. 885 and that the rules of the Senate be so far suspended as to give H.F. No. 885 its second and third reading and place it on its final passage. The motion prevailed.

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on H.F. No. 885. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Pogemiller motion.

The roll was called, and there were yeas 46 and nays 20, 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	Gerlach	Johnson	Limmer	Pariseau
Dille	Gimse	Jungbauer	Michel	Robling
Fischbach	Hann	Koch	Olson, G.	Senjem
Frederickson	Ingebrigtsen	Koering	Ortman	Vanderveer

The motion prevailed.

H.F. No. 885 was read the second time.

Senator Tomassoni moved to amend H.F. No. 885, the unofficial engrossment, as follows:

Page 2, before line 1, insert:

"ARTICLE 1

VIDEO LOTTERY TERMINALS

Section 1. [297A.652] LOTTERY GAMING MACHINES; IN-LIEU TAX.

Net terminal income from the operation of video lottery terminals authorized under section 349A.071 is exempt from the tax imposed under section 297A.62. The State Lottery must on or before the 20th day of each month transmit to the commissioner an amount equal to the net terminal income from the operation of video lottery terminals as defined in section 349A.01, for the previous month multiplied by 33 percent. The commissioner shall deposit the money transmitted under this section in the state treasury to be credited as provided in section 297A.94.

Sec. 2. Minnesota Statutes 2008, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) Sixty percent of the revenues transmitted to the commissioner under section 297A.652 must be deposited by the commissioner in the state treasury in the general fund. Forty percent of the revenue deposited in the general fund under this paragraph is annually appropriated to the commissioner of education for the purposes in section 126C.13, subdivision 5. The remaining 40 percent of the revenues transmitted to the commissioner under section 297A.652 must be deposited in a dedicated account in the special revenue fund. Money in the account may be used only for appropriations to the commissioners of human services and health.

~~(f)~~ (g) The revenue dedicated under ~~paragraph~~ paragraphs (e) and (f) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

Sec. 3. Minnesota Statutes 2008, section 297E.02, subdivision 1, is amended to read:

Subdivision 1. **Imposition.** A tax is imposed on all lawful gambling ~~other than (1) pull-tab deals or games; (2) tipboard deals or games; and (3) items listed in section 297E.01, subdivision 8, clauses (4) and (5),~~ at the rate of 8.5 percent on the gross receipts as defined in section 297E.01, subdivision 8, less prizes actually paid. The tax imposed by this subdivision is in lieu of the tax imposed by section 297A.62 and all local taxes and license fees except a fee authorized under section 349.16, subdivision 8, or a tax authorized under subdivision 5.

The tax imposed under this subdivision is payable by the organization or party conducting, directly or indirectly, the gambling.

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

Sec. 4. Minnesota Statutes 2008, section 299L.02, subdivision 1, is amended to read:

Subdivision 1. **Lottery.** (a) The director shall when required under chapter 349A or when requested by the director of the lottery conduct background checks on employees of the State Lottery, lottery retailers, and bidders of lottery procurement contracts.

(b) The director shall, when so requested by the director of the State Lottery or when the director believes it to be reasonable and necessary, conduct investigations of lottery retailers, applicants for lottery retailer contracts, suppliers of goods or services to the State Lottery, and persons bidding on contracts for goods or services with the State Lottery.

(c) The director shall conduct an annual security audit of the State Lottery, or arrange for such an audit by an outside agency or person, firm, or corporation. The director shall report to the director of the lottery on the results of the audit.

(d) The director shall deposit in a separate account in the state treasury all money received from the director of the State Lottery for charges for investigations and background checks relating to the owning and operating of video lottery terminals under chapter 349A. Money in the account is appropriated to the director for the purpose of carrying out the director's powers and duties under this subdivision.

Sec. 5. Minnesota Statutes 2008, section 299L.07, subdivision 2, is amended to read:

Subd. 2. **Exclusions.** Notwithstanding subdivision 1, a gambling device:

(1) may be sold by a person who is not licensed under this section, if the person (i) is not engaged in the trade or business of selling gambling devices, and (ii) does not sell more than one gambling device in any calendar year;

(2) may be sold by the governing body of a federally recognized Indian tribe described in subdivision 2a, paragraph (b), clause (1), which is not licensed under this section, if (i) the gambling device was operated by the Indian tribe, (ii) the sale is to a distributor licensed under this section, and (iii) the licensed distributor notifies the commissioner of the purchase, in the same manner as is required when the licensed distributor ships a gambling device into Minnesota;

(3) may be possessed by a person not licensed under this section if the person holds a permit issued under section 299L.08; ~~and~~

(4) may be possessed by a state agency, with the written authorization of the director, for display or evaluation purposes only and not for the conduct of gambling; and

(5) may be possessed by the State Lottery as authorized under chapter 349A.

Sec. 6. Minnesota Statutes 2008, section 299L.07, subdivision 2a, is amended to read:

Subd. 2a. **Restrictions.** (a) A manufacturer licensed under this section may sell, offer to sell, lease, or rent, in whole or in part, a gambling device only to a distributor licensed under this section or to the State Lottery as authorized under chapter 349A.

(b) A distributor licensed under this section may sell, offer to sell, market, rent, lease, or otherwise provide, in whole or in part, a gambling device only to:

(1) the governing body of a federally recognized Indian tribe that is authorized to operate the gambling device under a tribal state compact under the Indian Gaming Regulatory Act, Public Law 100-497, and future amendments to it;

(2) a person for use in the person's dwelling for display or amusement purposes in a manner that does not afford players an opportunity to obtain anything of value;

(3) another distributor licensed under this section; ~~or~~

(4) a person in another state who is authorized under the laws of that state to possess the gambling device; or

(5) the State Lottery as authorized under chapter 349A.

Sec. 7. Minnesota Statutes 2008, section 340A.410, subdivision 5, is amended to read:

Subd. 5. **Gambling prohibited.** (a) Except as otherwise provided in this subdivision, no retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein.

(b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms when the use of the gambling equipment is authorized by (1) chapter 349, (2) a tribal ordinance in conformity with the Indian Gaming Regulatory Act, Public Law 100-497, or (3) a tribal-state compact authorized under section 3.9221.

(c) Lottery tickets may be purchased and sold within the licensed premises as authorized by the director of the lottery under chapter 349A.

(d) Dice may be kept and used on licensed premises and adjoining rooms as authorized by section 609.761, subdivision 4.

(e) Gambling devices may be operated and gambling permitted as authorized by chapter 349A.

Sec. 8. Minnesota Statutes 2008, section 349.15, subdivision 1, is amended to read:

Subdivision 1. **Expenditure restrictions.** (a) Gross profits from lawful gambling may be expended only for lawful purposes or allowable expenses as authorized by the membership of the conducting organization at a monthly meeting of the organization's membership.

~~Provided that~~ (b) Except as provided in paragraph (c), no more than 70 percent of the gross profit from bingo, and no more than 60 percent of the gross profit from other forms of lawful gambling, may be expended biennially during the term of the license for allowable expenses related to lawful gambling, except that for the period of July 1, 2008, to June 30, 2009, no more than 75 percent of the gross profit from bingo, and no more than 65 percent of the gross profit from other forms of lawful gambling, may be expended for allowable expenses related to lawful gambling. For licenses issued after June 30, 2006, compliance with this subdivision will be measured on a biennial basis that is concurrent with the term of the license. Compliance with this subdivision is a condition for the renewal of any license beginning on July 1, 2008. For licenses renewed with an effective date between July 1, 2006, and June 30, 2008, an organization shall carry forward an amount equal to 15 percent of any positive allowable expense carryover amount. This balance must be used to offset any future negative expense balance at the time of license renewal.

(c) Money received by an organization from net video lottery terminal income under section 349A.06, subdivision 6a, may be expended only for lawful purposes.

Sec. 9. Minnesota Statutes 2008, section 349A.01, is amended by adding a subdivision to read:

Subd. 9a. **Lottery game.** "Lottery game" means any game operated by the lottery where the prize is determined primarily by chance.

Sec. 10. Minnesota Statutes 2008, section 349A.01, subdivision 10, is amended to read:

Subd. 10. **Lottery procurement contract.** "Lottery procurement contract" means a contract to provide lottery products, computer hardware and software used to monitor sales of lottery tickets and sales on a video lottery terminal, and lottery tickets, video lottery terminals, and maintenance of video lottery terminals. "Lottery procurement contract" does not include a contract to provide an

annuity or prize payment agreement or materials, supplies, equipment, or services common to the ordinary operation of a state agency.

Sec. 11. Minnesota Statutes 2008, section 349A.01, subdivision 11, is amended to read:

Subd. 11. **Lottery retailer.** "Lottery retailer" means a person with whom the director has contracted to sell lottery tickets to the public. A lottery retailer includes a person with whom the director has contracted to place a video lottery terminal within its premises where video lottery terminal plays are sold.

Sec. 12. Minnesota Statutes 2008, section 349A.01, subdivision 12, is amended to read:

Subd. 12. **Lottery ticket or ticket.** "Lottery ticket" or "ticket" means any tangible evidence issued by the lottery to prove participation in a lottery game other than a video lottery game.

Sec. 13. Minnesota Statutes 2008, section 349A.01, is amended by adding a subdivision to read:

Subd. 14. **Net terminal income.** "Net terminal income" means the sum of all money spent for video lottery terminal plays less the value of video lottery credit receipts.

Sec. 14. Minnesota Statutes 2008, section 349A.01, is amended by adding a subdivision to read:

Subd. 15. **Video lottery credit.** "Video lottery credit" means the basic unit of play for a video lottery terminal.

Sec. 15. Minnesota Statutes 2008, section 349A.01, is amended by adding a subdivision to read:

Subd. 16. **Video lottery credit receipt.** "Video lottery credit receipt" means a receipt generated by a video lottery terminal that provides evidence of cash payment due a player from play on a video lottery terminal.

Sec. 16. Minnesota Statutes 2008, section 349A.01, is amended by adding a subdivision to read:

Subd. 17. **Video lottery game.** "Video lottery game" means an electronically simulated game authorized by the director that is displayed and played on a video lottery terminal for consideration and with prizes awarded for designated results. Video lottery game includes video poker games, keno, and video pull-tabs.

Sec. 17. Minnesota Statutes 2008, section 349A.01, is amended by adding a subdivision to read:

Subd. 18. **Video lottery terminal.** "Video lottery terminal" means any machine, system, or device which upon payment of consideration permits the play of a video lottery game.

Sec. 18. Minnesota Statutes 2008, section 349A.01, is amended by adding a subdivision to read:

Subd. 19. **Video lottery terminal play.** "Video lottery terminal play" means an electronic record that proves participation in a video lottery game.

Sec. 19. Minnesota Statutes 2008, section 349A.01, is amended by adding a subdivision to read:

Subd. 20. **Win percentage.** "Win percentage" means the portion of the money wagered by players on a video lottery terminal that is available for the payment of prizes to winning players.

Sec. 20. Minnesota Statutes 2008, section 349A.04, is amended to read:

349A.04 LOTTERY GAME PROCEDURES.

The director may adopt game procedures governing the following elements of the lottery:

- (1) lottery games;
- (2) ticket prices;
- (3) number and size of prizes;
- (4) methods of selecting winning tickets; ~~and~~
- (5) frequency and method of drawings;
- (6) video lottery terminals; and
- (7) cost of video lottery plays.

The adoption of lottery game procedures is not subject to chapter 14.

Sec. 21. Minnesota Statutes 2008, section 349A.06, subdivision 1, is amended to read:

Subdivision 1. **Contracts.** The director shall sell tickets and operate video lottery terminals for the lottery through lottery retailers with whom the director contracts. Contracts under this section are not subject to the provisions of sections 16C.03, 16C.05, 16C.06, 16C.08, 16C.09, and 16C.10, and are valid for a period of one year. The director may permit a retailer to sell tickets and operate video lottery terminals at more than one business location under a contract entered into under this section.

Sec. 22. Minnesota Statutes 2008, section 349A.06, subdivision 5, is amended to read:

Subd. 5. **Restrictions on lottery retailers.** (a) A lottery retailer may sell lottery tickets or have a video lottery terminal placed only on the premises described in the contract.

(b) A lottery retailer must prominently display a certificate issued by the director on the premises where lottery tickets will be sold or where video lottery terminals are operated.

(c) A lottery retailer must keep a complete set of books of account, correspondence, and all other records necessary to show fully the retailer's lottery transactions, and make them available for inspection by employees of the lottery at all times during business hours. The director may require a lottery retailer to furnish information as the director deems necessary to carry out the purposes of this chapter, and may require an audit to be made of the books of account and records. The director may select an auditor to perform the audit and may require the retailer to pay the cost of the audit. The auditor has the same right of access to the books of account, correspondence, and other records as is given to employees of the lottery.

(d) A contract issued under this section may not be transferred or assigned.

(e) The director shall require that lottery tickets may be sold by retailers only for cash.

(f) A lottery retailer must prominently post at the point of sale of lottery tickets and the area where video lottery terminals are located, in a manner approved by the commissioner of human services, the toll-free telephone number established by the commissioner of human services in connection with the compulsive gambling program established under section 245.98.

Sec. 23. Minnesota Statutes 2008, section 349A.06, is amended by adding a subdivision to read:

Subd. 5a. **Restrictions on lottery retailers; video lottery terminals.** (a) The director may only enter into a lottery retailer contract for games operated by a video lottery terminal with a retailer that has a license to sell alcoholic beverages for consumption on the premises where sold. This does not include a retailer who has only a temporary on-sale license or a retailer of 3.2 percent malt liquor whose total gross receipts from the premises were less than 50 percent attributable to the sale of 3.2 percent malt liquor.

(b) The director may not contract with a retailer for games operated by a video lottery terminal unless the retailer has an organization licensed under chapter 349 authorized and conducting lawful gambling on the premises.

(c) A lottery retailer authorized to sell games operated by a video lottery terminal may not cancel or refuse to renew a lease with an organization licensed under chapter 349 authorized and conducting lawful gambling on its premises for three years following the effective date of this act, unless the organization has failed to comply with its lease with the retailer.

(d) A lottery retailer may have up to five video lottery terminals on the retailer's premises, as determined by the director.

(e) A lottery retailer that is authorized to operate a video lottery terminal may not make reference to the establishment being a "casino," or use the word "casino" in its name or in any of its advertisements.

(f) The director, or any employee of the director, may inspect any video lottery terminal at any time during the hours when alcoholic beverages may be sold at on-sale under section 340A.504, subdivisions 1, 2, and 3, without notice, to ensure compliance with this chapter and any rules adopted by the director.

Sec. 24. Minnesota Statutes 2008, section 349A.06, is amended by adding a subdivision to read:

Subd. 6a. **Retention by retailers; video lottery terminals.** A lottery retailer who has a contract for placement of video lottery terminals may retain 31 percent of the net terminal income from the terminals located within its premises as commission. The lottery retailer receiving commission under this subdivision shall transmit to an organization licensed under chapter 349, and conducting lawful gambling on the premises of the retailer, 29 percent of the lottery retailer's commission received under this subdivision. If more than one organization conducts lawful gambling on the premises, the payment must be reasonably allocated between the organizations, pro rata based on their respective gross receipts.

Sec. 25. Minnesota Statutes 2008, section 349A.06, subdivision 8, is amended to read:

Subd. 8. **Proceeds of sales.** All proceeds from the sale of lottery tickets or proceeds from the sale of video lottery terminal plays received by a lottery retailer constitute a trust fund until paid to the director. The lottery retailer is personally liable for all proceeds.

Sec. 26. Minnesota Statutes 2008, section 349A.06, subdivision 10, is amended to read:

Subd. 10. **Local licenses.** No political subdivision may require a local license to operate as a lottery retailer, restrict or regulate the placement of a video lottery terminal, or impose a tax or fee

on the business of operating as a lottery retailer.

Sec. 27. [349A.071] VIDEO LOTTERY TERMINALS.

Subdivision 1. **Operation.** (a) All video lottery terminals must be operated and controlled by the director.

(b) Video lottery terminals must be owned or leased by the director.

(c) Video lottery terminals must be maintained by the lottery, or by a vendor: (1) that is under the control and direction of the director; and (2) whose principal place of business is in Minnesota.

(d) The director must have a central communications system that monitors activities and provides auditing program information on each video lottery terminal.

(e) The director must approve the general security arrangements associated with and relating to the operation of the video lottery terminal.

(f) Video lottery terminals must maintain on nonresettable meters, a permanent record, capable of being printed out, of all transactions by the terminal and all entries into the terminal.

(g) The director may implement other controls as are deemed necessary to ensure and maintain the integrity of video lottery terminals operated under this section.

Subd. 2. **Testing and examination of machines.** The director shall examine prototypes of video lottery terminals and require that the manufacturer of the terminal pay the cost of the examination. The director may contract for the examination of video lottery terminals. The director may require working models of a video lottery terminal transported to the locations the director designates for testing, examination, and analysis. The manufacturer shall pay all costs of any testing, examination, analysis, and transportation of the terminal model.

Subd. 3. **Deactivation of terminal.** The director may deactivate a video lottery terminal without notice if the lottery retailer has violated any provision of this chapter, rule, or provision of its contract with the director.

Sec. 28. Minnesota Statutes 2008, section 349A.08, subdivision 1, is amended to read:

Subdivision 1. **Agreement by players.** A person who buys a lottery ticket or plays a video lottery game agrees to be bound by the rules and game procedures applicable to ~~the~~ that particular lottery game ~~for which the ticket is purchased.~~ The player acknowledges that the determination of whether a ticket or video lottery credit receipt is a valid winning ticket is subject to ~~under the rules of and game procedures adopted by the director,~~ claims procedures established by the director for that game, and any confidential or public validation tests established by the director for that game.

Sec. 29. Minnesota Statutes 2008, section 349A.08, subdivision 5, is amended to read:

Subd. 5. **Payment; unclaimed prizes.** (a) Except as provided in this subdivision, a prize in the State Lottery must be claimed by the winner within one year of the date of the drawing at which the prize was awarded or the last day sales were authorized for a game where a prize was determined in a manner other than by means of a drawing. If a valid claim is not made for a prize payable directly by the lottery by the end of this period, the prize money is considered unclaimed and the winner of the prize shall have no further claim to the prize.

(b) A video lottery credit receipt from a video lottery terminal must be presented for payment within 60 days of the date the video lottery credit receipt was printed. If a valid claim for a video lottery credit receipt is not made by the end of this period, the video lottery credit receipt is considered unclaimed and the player shall have no further claim to the amount due from the video lottery credit receipt.

(c) A prize won by a person who purchased the winning ticket or played a video lottery game in violation of section 349A.12, subdivision 1, or won by a person ineligible to be awarded a prize under subdivision 7 must be treated as an unclaimed prize under this section. The director must transfer all unclaimed prize money at the end of each fiscal year from the lottery cash flow account to the general fund.

Sec. 30. Minnesota Statutes 2008, section 349A.08, subdivision 8, is amended to read:

Subd. 8. **Withholding of delinquent state taxes or other debts.** The director shall report the name, address, and Social Security number of each winner of a lottery prize of \$600 or more, or a video lottery prize of \$1,200 or more, to the Department of Revenue to determine whether the person who has won the prize is delinquent in payment of state taxes or owes a debt as defined in section 270A.03, subdivision 5. If the person is delinquent in payment of state taxes or owes a debt as defined in section 270A.03, subdivision 5, the director shall withhold the delinquent amount from the person's prize for remittance to the Department of Revenue for payment of the delinquent taxes or distribution to a claimant agency in accordance with chapter 270A. Section 270A.10 applies to the priority of claims.

Sec. 31. Minnesota Statutes 2008, section 349A.09, subdivision 1, is amended to read:

Subdivision 1. **Odds; required information.** (a) The director shall include on each brochure, pamphlet, booklet, or other similar material the director publishes to promote or explain any lottery game, a prominent and clear statement of the approximate odds of winning each prize offered in that lottery game.

(b) Except for the operation of a video lottery terminal, each lottery retailer must post prominently at or near the point of ticket sale a notice or notices printed and provided by the director of the approximate odds of winning each prize in each game for which the lottery retailer sells tickets.

(c) The approximate odds of winning a prize from a video lottery terminal must be displayed on the face or screen of the video lottery terminal.

Sec. 32. Minnesota Statutes 2008, section 349A.10, subdivision 2, is amended to read:

Subd. 2. **Deposit in Prize fund.** (a) The director shall establish a lottery prize fund outside the state treasury. The fund consists of all money deposited in it under this subdivision and all interest earned thereon.

(b) The director shall deposit in the lottery prize fund, from gross receipts from the sale of lottery tickets, an amount sufficient to pay lottery prizes from the lottery prize fund according to the following provisions:

(1) for games which require online terminal connections, the prizes paid in any fiscal year must be at least 45 percent of gross receipts from those games in that fiscal year;

(2) for games which do not require online terminal connections, the prizes paid in any fiscal year must be at least ~~the following percentages of gross receipts from those games:~~

~~(i) 50 percent through fiscal year 1991;~~

~~(ii) 55 percent from July 1, 1991, to June 30, 1992; and~~

~~(iii) 60 percent thereafter of gross receipts from those games in that fiscal year.~~

(c) For lottery games played on a video lottery terminal, the win percentage in any fiscal year will be the win percentage established by the game procedures adopted for the game, but shall be at least 80 percent but not more than 95 percent.

Sec. 33. Minnesota Statutes 2008, section 349A.10, subdivision 3, is amended to read:

Subd. 3. **Lottery operations.** (a) The director shall establish a lottery operations account in the lottery fund. The director shall pay all costs of operating the lottery, including payroll costs or amounts transferred to the state treasury for payroll costs, but not including lottery prizes, from the lottery operating account. The director shall credit to the lottery operations account amounts sufficient to pay the operating costs of the lottery.

(b) Except as provided in paragraph (e), the director may not credit in any fiscal year ~~thereafter~~ amounts to the lottery operations account which when totaled exceed nine percent of gross revenue, exclusive of net terminal income, and 12 percent of net terminal income to the lottery fund in that fiscal year. In computing total amounts credited to the lottery operations account under this paragraph the director shall disregard amounts transferred to or retained by lottery retailers as sales commissions or other compensation.

(c) The director of the lottery may not expend ~~after July 1, 1991,~~ more than 2-3/4 percent of gross revenues in a fiscal year for contracts for the preparation, publication, and placement of advertising.

(d) Except as the director determines, the lottery is not subject to chapter 16A relating to budgeting, payroll, and the purchase of goods and services.

(e) In addition to the amounts credited to the lottery operations account under paragraph (b), the director is authorized, if necessary, to meet the current obligations of the lottery and to credit up to 25 percent of an amount equal to the average annual amount which was authorized to be credited to the lottery operations account for the previous three fiscal years but was not needed to meet the obligations of the lottery.

Sec. 34. Minnesota Statutes 2008, section 349A.10, subdivision 4, is amended to read:

Subd. 4. **Deposit of receipts.** (a) The director may require lottery retailers to:

(1) deposit in a separate account to the credit of the lottery fund, in banks designated by the director, all money received by the lottery retailer from the sale of lottery tickets and video lottery terminal plays, less money retained as the lottery retailer's commission and for payment of prizes;

(2) file with the director reports of the lottery retailer's receipts and transactions in ticket sales and video lottery terminal plays in a form that the director prescribes; and

(3) allow money deposited by the lottery retailer from the sale of lottery tickets and video lottery

terminal plays to be transferred to the lottery through electronic fund transfer.

(b) The director may make arrangements for any person, including a financial institution, to perform functions, activities, or services in connection with the receipt and distribution of lottery revenues.

(c) A lottery retailer who fails to pay any money due to the director within the time prescribed by the director shall pay interest on the amount owed at the rate determined by rule.

Sec. 35. Minnesota Statutes 2008, section 349A.10, subdivision 6, is amended to read:

Subd. 6. **Budget; plans.** The director shall prepare and submit a biennial budget plan to the commissioner of finance. The governor shall recommend the maximum amount available for the lottery in the budget the governor submits to the legislature under section 16A.11. The maximum amount available to the lottery for operating expenses and capital expenditures shall be determined by law. Operating expenses shall not include expenses that are a direct function of lottery sales, which include the cost of lottery prizes, amounts paid to lottery retailers as sales commissions or other compensation, amounts paid to produce and deliver scratch lottery games, ~~and~~ amounts paid to an outside vendor to operate and maintain an online gaming system, amounts paid to an outside vendor to operate and maintain a central system for video lottery terminals, and amounts paid to acquire and maintain video lottery terminals. In addition, the director shall appear at least once each fiscal year before the senate and house of representatives committees having jurisdiction over gambling policy to present and explain the lottery's plans for future games and the related advertising and promotions and spending plans for the next fiscal year.

Sec. 36. Minnesota Statutes 2008, section 349A.11, subdivision 1, is amended to read:

Subdivision 1. **Lottery ticket; retailer.** The director, an employee of the lottery, a member of the immediate family of the director or employee residing in the same household may not:

(1) purchase a lottery ticket or play a game on a video lottery terminal; or

(2) have any personal pecuniary interest in any vendor holding a lottery procurement contract, or in any lottery retailer; or

(3) receive any gift, gratuity, or other thing of value, excluding food or beverage, from any lottery vendor or lottery retailer, or person applying to be a retailer or vendor, in excess of \$100 in any calendar year.

Sec. 37. Minnesota Statutes 2008, section 349A.12, subdivision 1, is amended to read:

Subdivision 1. **Purchase by minors.** A person under the age of 18 years may not buy or redeem for a prize a ticket in the state lottery and a person under the age of 21 years may not play a game or redeem a video lottery credit receipt from a video lottery terminal.

Sec. 38. Minnesota Statutes 2008, section 349A.12, subdivision 2, is amended to read:

Subd. 2. **Sale to minors.** A lottery retailer may not sell and a lottery retailer or other person may not furnish or redeem for a prize a ticket in the state lottery to any person under the age of 18 years, or allow a person under the age of 21 years to play a game or redeem a video lottery credit receipt from a video lottery terminal. It is an affirmative defense to a charge under this subdivision for the lottery retailer or other person to prove by a preponderance of the evidence that the lottery retailer or other

person reasonably and in good faith relied upon representation of proof of age described in section 340A.503, subdivision 6, in making the sale or furnishing or redeeming the ticket or allowing the play of a video lottery game or redeem a video lottery credit receipt from a video lottery terminal.

Sec. 39. Minnesota Statutes 2008, section 349A.13, is amended to read:

349A.13 RESTRICTIONS.

Nothing in this chapter:

(1) authorizes the director to conduct a lottery game or contest the winner or winners of which are determined by the result of a sporting event other than a horse race conducted under chapter 240; or

~~(2) authorizes the director to install or operate a lottery device operated by coin or currency which when operated determines the winner of a game; and~~

~~(3) authorizes the director to sell pull-tabs as defined under section 349.12, subdivision 32.~~

Sec. 40. Minnesota Statutes 2008, section 541.20, is amended to read:

541.20 RECOVERY OF MONEY LOST.

Every person who, by playing at cards, dice, or other game, or by betting on the hands or sides of such as are gambling, shall lose to any person so playing or betting any sum of money or any goods, and pays or delivers the same, or any part thereof, to the winner, may sue for and recover such money by a civil action, before any court of competent jurisdiction. For purposes of this section, gambling shall not include pari-mutuel wagering conducted under a license issued pursuant to chapter 240, purchase or sale of tickets in the state lottery, purchase of video lottery plays as authorized under chapter 349A, or gambling authorized under chapters 349 and 349A.

Sec. 41. Minnesota Statutes 2008, section 541.21, is amended to read:

541.21 COMMITMENTS FOR GAMBLING DEBT VOID.

Every note, bill, bond, mortgage, or other security or conveyance in which the whole or any part of the consideration shall be for any money or goods won by gambling or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any persons so gambling or betting, shall be void and of no effect as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, without notice of the illegality of the consideration of such contract or conveyance. The provisions of this section shall not apply to: (1) pari-mutuel wagering conducted under a license issued pursuant to chapter 240; (2) purchase of tickets in the state lottery or other wagering authorized under chapter 349A; (3) gaming activities conducted pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.; or (4) lawful gambling activities permitted under chapter 349.

Sec. 42. Minnesota Statutes 2008, section 609.651, subdivision 1, is amended to read:

Subdivision 1. ~~Felony Fraud.~~ A person is guilty of a felony and may be sentenced under subdivision 4 if the person does any of the following with intent to defraud the State Lottery:

(1) alters or counterfeits a state lottery ticket or a video lottery credit receipt from a State Lottery video lottery terminal;

(2) knowingly presents an altered or counterfeited state lottery ticket or video lottery credit receipt from a State Lottery video lottery terminal for payment;

(3) knowingly transfers an altered or counterfeited state lottery ticket or video lottery credit receipt from a State Lottery video lottery terminal to another person; ~~or~~

(4) tampers with or manipulates the outcome, prize payable, or operation of a State Lottery video lottery terminal; or

(5) otherwise claims a lottery prize by means of fraud, deceit, or misrepresentation.

Sec. 43. Minnesota Statutes 2008, section 609.75, subdivision 3, is amended to read:

Subd. 3. **What are not bets.** The following are not bets:

(1) a contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance;

(2) a contract for the purchase or sale at a future date of securities or other commodities;

(3) offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest;

(4) the game of bingo when conducted in compliance with sections 349.11 to 349.23;

(5) a private social bet not part of or incidental to organized, commercialized, or systematic gambling;

(6) the operation of equipment or the conduct of a raffle under sections 349.11 to 349.22, by an organization licensed by the Gambling Control Board or an organization exempt from licensing under section 349.166;

(7) pari-mutuel betting on horse racing when the betting is conducted under chapter 240; and

(8) the purchase and sale of state lottery tickets and plays on a video lottery terminal under chapter 349A.

Sec. 44. Minnesota Statutes 2008, section 609.75, subdivision 4, is amended to read:

Subd. 4. **Gambling device.** A gambling device is a contrivance the purpose of which is that for a consideration a player is afforded an opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance, whether or not the contrivance is actually played. "Gambling device" also includes a video game of chance, as defined in subdivision 8, but does not include a video lottery terminal operated by the State Lottery under chapter 349A.

Sec. 45. Minnesota Statutes 2008, section 609.761, subdivision 2, is amended to read:

Subd. 2. **State lottery.** Sections 609.755 and 609.76 do not prohibit the operation of the state lottery ~~or~~ the sale, possession, or purchase of tickets for the state lottery; or the manufacture,

possession, or operation of a video lottery terminal for the state lottery under chapter 349A.

Sec. 46. RESTORING STATE SUPPORT FOR GENERAL EDUCATION.

Notwithstanding Minnesota Statutes, section 126C.21, subdivision 6, the statewide average daily membership aid adjustment for fiscal years 2010 and later shall be reduced in each fiscal year by the revenues available under Minnesota Statutes, section 297A.94, paragraph (f). The commissioner must allocate these revenues to reduce the statewide average daily membership aid adjustment under Minnesota Statutes, section 126C.21, subdivision 6, according to this section.

Sec. 47. LOTTERY BUDGET; VIDEO LOTTERY TERMINALS.

The director of the State Lottery shall submit a budget for the operation of video lottery terminals as authorized under Minnesota Statutes, section 349A.071, to the commissioner of finance. Notwithstanding Minnesota Statutes, section 349A.10, subdivision 6, the director of the State Lottery may expend amounts necessary to operate video lottery terminals. Amounts expended by the director of the State Lottery for the conduct of video lottery terminals in fiscal year 2010 are not subject to the maximum amount set in law for the operation of the lottery.

Sec. 48. REPEALER.

Minnesota Statutes 2008, sections 297E.01, subdivision 7; and 297E.02, subdivisions 4, 6, and 7, are repealed.

Sec. 49. EFFECTIVE DATE.

Except as otherwise provided, this article is effective the day following final enactment."

Amend the title accordingly

Senator Hann questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the Tomassoni amendment.

The roll was called, and there were yeas 9 and nays 54, as follows:

Those who voted in the affirmative were:

Latz	Metzen	Scheid	Sparks	Wiger
Lynch	Saltzman	Skogen	Tomassoni	

Those who voted in the negative were:

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

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

Senator Michel moved to amend H.F. No. 885, the unofficial engrossment, as follows:

Page 65, after line 7, insert:

"Section 1. Minnesota Statutes 2008, section 3.099, subdivision 1, is amended to read:

Subdivision 1. **Pay days; mileage; per diem.** The compensation of each member of the legislature is due on the first day of the regular legislative session of the term and payable in equal parts on January 15, in the first month of each term and on the first day of each following month during the term for which the member was elected. The compensation of each member of the legislature elected at a special election is due on the day the member takes the oath of office and payable within ten days of taking the oath for the remaining part of the month in which the oath was taken, and then in equal parts on the first day of each following month during the term for which the member was elected.

Each member shall receive mileage for necessary travel to the place of meeting and returning to the member's residence in the amount and for trips as authorized by the senate for senate members and by the house of representatives for house members.

Each member shall also receive per diem living expenses during a regular or special session of the legislature in the amounts and for the purposes as determined by the senate for senate members and by the house of representatives for house members, except that if any of the omnibus appropriation bills necessary to fund the operations of state or local government are not enacted into law by the constitutional deadline set for adjournment in the odd-numbered year, no member may receive per diem payments for any special session of the legislature called to enact any of the omnibus appropriation bills.

On January 15 in the first month of each term and on the first day of each following month, the secretary of the senate and the chief clerk of the house of representatives shall certify to the commissioner of finance, in duplicate, the amount of compensation then payable to each member of their respective houses and its total."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

Senator Pogemiller moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 17 and nays 38, as follows:

Those who voted in the affirmative were:

Bonoff	Gerlach	Michel	Senjem	Vandev eer
Dille	Gimse	Olson, M.	Sheran	
Erickson Ropes	Hann	Ortman	Sieben	
Fischbach	Koch	Robling	Sparks	

Those who voted in the negative were:

Betzold	Cohen	Fobbe	Ingebrigtsen	Langseth
Carlson	Dahle	Foley	Johnson	Latz
Chaudhary	Dibble	Frederickson	Kelash	Lourey
Clark	Doll	Higgins	Kubly	Lynch

Marty
Metzen
Moua
Murphy

Olseen
Pappas
Pogemiller
Rest

Saltzman
Saxhaug
Scheid
Skoe

Skogen
Stumpf
Tomassoni
Torres Ray

Vickerman
Wiger

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

Pursuant to Rule 7.3, Senator Hann questioned whether H.F. No. 885 was in order. The President ruled the bill was in order.

H.F. No. 885: A bill for an act relating to taxation; making policy, technical, administrative, and clarifying changes to income, corporate franchise, estate, sales, use, minerals, mortgage, property, gross receipts, gambling, cigarette, tobacco, liquor, insurance, and various taxes and tax-related provisions; modifying local government aid and tax data provision; appropriating money; amending Minnesota Statutes 2008, sections 126C.21, subdivision 4; 126C.48, subdivision 8; 270B.14, subdivision 16; 270C.02, subdivision 1; 270C.12, by adding a subdivision; 270C.446, subdivisions 2, 5; 270C.56, subdivision 1; 273.11, subdivision 23; 273.111, subdivision 4; 273.1115, subdivision 2; 273.113, subdivisions 1, 2; 273.1231, subdivision 8; 273.124, subdivision 21; 273.13, subdivisions 23, 25, 33; 273.33, subdivision 2; 273.37, subdivision 2; 274.13, subdivision 2; 274.135, subdivision 3; 274.14; 274.175; 275.70, subdivision 5; 275.71, subdivision 4; 287.04; 287.05, by adding a subdivision; 287.22; 287.25; 289A.08, subdivision 3; 289A.12, by adding a subdivision; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.38, subdivision 7; 289A.41; 290.0671, subdivision 1; 290A.10; 290A.14; 290C.06; 290C.07; 295.56; 295.57, subdivision 5; 296A.21, subdivision 1; 297A.70, subdivisions 2, 4; 297A.992, subdivision 2; 297A.993, subdivision 1; 297E.02, subdivision 4; 297E.06, by adding a subdivision; 297E.11, subdivision 1; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 298.28, subdivisions 4, 11; 423A.02, subdivisions 1b, 3, by adding a subdivision; 473.843, subdivision 3; 477A.011, subdivisions 34, 42; 477A.013, subdivision 8; repealing Minnesota Statutes 2008, sections 287.26; 287.27, subdivision 1; 297A.67, subdivision 24; 298.28, subdivisions 11a, 13; Minnesota Rules, parts 8115.0200; 8115.0300; 8115.0400; 8115.0500; 8115.0600; 8115.1000; 8115.1100; 8115.1200; 8115.1300; 8115.1400; 8115.1500; 8115.1600; 8115.1700; 8115.1800; 8115.1900; 8115.2000; 8115.2100; 8115.2200; 8115.2300; 8115.2400; 8115.2500; 8115.2600; 8115.2700; 8115.2800; 8115.2900; 8115.3000; 8115.4000; 8115.4100; 8115.4200; 8115.4300; 8115.4400; 8115.4500; 8115.4600; 8115.4700; 8115.4800; 8115.4900; 8115.5000; 8115.5100; 8115.5200; 8115.5300; 8115.5400; 8115.5500; 8115.5600; 8115.5700; 8115.5800; 8115.5900; 8115.6000; 8115.6100; 8115.6200; 8115.6300; 8115.6400; 8115.9900.

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 43 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson
Bakk
Berglin
Betzold
Bonoff
Carlson
Chaudhary

Clark
Cohen
Dahle
Dibble
Doll
Erickson Ropes
Fobbe

Foley
Higgins
Kelash
Kubly
Langseth
Latz
Lourey

Lynch
Marty
Metzen
Moua
Murphy
Olseen
Olson, M.

Pappas
Pogemiller
Prettner Solon
Rest
Rummel
Saltzman
Saxhaug

Sheran
Sieben

Skoe
Skogen

Stumpf
Torres Ray

Vickerman
Wiger

Those who voted in the negative were:

Day
Dille
Fischbach
Frederickson
Gerlach

Gimse
Hann
Ingebrigtsen
Johnson
Jungbauer

Koch
Koering
Limmer
Michel
Olson, G.

Ortman
Pariseau
Robling
Scheid
Senjem

Sparks
Tomassoni
Vandever

So the bill was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Bakk moved that S.F. No. 681, No. 124 on General Orders, be stricken and laid on the table. 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that House Concurrent Resolution No. 1 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 1: A House concurrent resolution relating to deadlines; deleting the fifth deadline.

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring, that Senate Concurrent Resolution No. 5, adopted by the House February 5, 2009, and by the Senate February 9, 2009, is amended as follows:

Page 1, delete lines 16 and 17

Senator Pogemiller moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

Senator Pogemiller moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 39 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson
Bakk
Berglin
Betzold
Bonoff
Carlson
Chaudhary

Clark
Cohen
Dahle
Dibble
Doll
Fobbe
Foley

Higgins
Kubly
Langseth
Lourey
Marty
Metzen
Moua

Olseen
Olson, M.
Pogemiller
Rest
Rummel
Saltzman
Saxhaug

Scheid
Sheran
Sieben
Skoe
Skogen
Sparks
Stumpf

Tomassoni

Torres Ray

Vickerman

Wiger

Those who voted in the negative were:

Day

Gimse

Jungbauer

Ortman

Vandevveer

Dille

Hann

Koering

Pariseau

Fischbach

Ingebrigtsen

Limmer

Prettner Solon

Gerlach

Johnson

Michel

Senjem

The motion prevailed. So the resolution 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.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 885:

H.F. No. 885: A bill for an act relating to taxation; making policy, technical, administrative, and clarifying changes to income, corporate franchise, estate, sales, use, minerals, mortgage, property, gross receipts, gambling, cigarette, tobacco, liquor, insurance, and various taxes and tax-related provisions; modifying local government aid and tax data provision; appropriating money; amending Minnesota Statutes 2008, sections 126C.21, subdivision 4; 126C.48, subdivision 8; 270B.14, subdivision 16; 270C.12, by adding a subdivision; 270C.446, subdivisions 2, 5; 270C.56, subdivision 1; 273.11, subdivision 23; 273.111, subdivision 4; 273.1115, subdivision 2; 273.113, subdivisions 1, 2; 273.1231, subdivision 8; 273.124, subdivision 21; 273.13, subdivisions 23, 25, 33; 273.33, subdivision 2; 273.37, subdivision 2; 274.13, subdivision 2; 274.135, subdivision 3; 274.14; 274.175; 275.70, subdivision 5; 275.71, subdivision 4; 287.04; 287.05, by adding a subdivision; 287.22; 287.25; 289A.08, subdivision 3; 289A.12, by adding a subdivision; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.38, subdivision 7; 289A.41; 290.0671, subdivision 1; 290A.10; 290A.14; 290C.06; 290C.07; 295.56; 295.57, subdivision 5; 296A.21, subdivision 1; 297A.70, subdivisions 2, 4; 297A.992, subdivision 2; 297A.993, subdivision 1; 297E.02, subdivision 4; 297E.06, by adding a subdivision; 297E.11, subdivision 1; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 298.28, subdivisions 4, 11; 423A.02, subdivisions 1b, 3, by adding a subdivision; 473.843, subdivision 3; 477A.011, subdivisions 34, 42; 477A.013, subdivision 8; repealing Minnesota Statutes 2008, sections 287.26; 287.27, subdivision 1; 297A.67, subdivision 24; 298.28, subdivisions 11a, 13; Minnesota Rules, parts 8115.0200; 8115.0300; 8115.0400; 8115.0500; 8115.0600; 8115.1000;

8115.1100; 8115.1200; 8115.1300; 8115.1400; 8115.1500; 8115.1600; 8115.1700; 8115.1800; 8115.1900; 8115.2000; 8115.2100; 8115.2200; 8115.2300; 8115.2400; 8115.2500; 8115.2600; 8115.2700; 8115.2800; 8115.2900; 8115.3000; 8115.4000; 8115.4100; 8115.4200; 8115.4300; 8115.4400; 8115.4500; 8115.4600; 8115.4700; 8115.4800; 8115.4900; 8115.5000; 8115.5100; 8115.5200; 8115.5300; 8115.5400; 8115.5500; 8115.5600; 8115.5700; 8115.5800; 8115.5900; 8115.6000; 8115.6100; 8115.6200; 8115.6300; 8115.6400; 8115.9900.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Lenczewski; Marquart; Greiling; Murphy, E., and Downey have been appointed as such committee on the part of the House.

House File No. 885 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 May 7, 2009

Senator Bakk moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 885, and that a Conference Committee of 5 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.

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. 885: Senators Bakk, Skoe, Rest, Dibble and Moua.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Pappas moved that the following members be excused for a Conference Committee on S.F. No. 2083 at 5:00 p.m.:

Senators Pappas, Latz, Erickson Ropes, Lynch and Robling. The motion prevailed.

MEMBERS EXCUSED

Senator Rosen was excused from the Session of today. Senator Jungbauer was excused from the Session of today from 1:00 to 1:20 p.m. Senators Bakk and Dille were excused from the Session of today from 1:00 to 1:25 p.m. Senator Murphy was excused from the Session of today from 1:00 to 1:40 p.m. Senator Day was excused from the Session of today from 1:10 to 1:20 p.m. Senators Berglin and Sheran were excused from the Session of today from 4:25 to 4:50 p.m. Senator Prettnner Solon was excused from the Session of today from 4:40 to 4:50 p.m. Senators Frederickson and Koch were excused from the Session of today at 5:00 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Friday, May 8, 2009. The motion prevailed.

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

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