

FIFTY-FOURTH DAY

St. Paul, Minnesota, Thursday, May 14, 2009

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Craig Richter.

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	Rest	Tomassoni
Chaudhary	Gimse	Lynch	Robling	Torres Ray
Clark	Hann	Marty	Rosen	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 11, 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. 926 and 431.

Sincerely,
Tim Pawlenty, Governor

May 11, 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
926		57	2:40 p.m. May 11	May 11
431		58	2:41 p.m. May 11	May 11
	1301	59	3:00 p.m. May 11	May 11
	936	60	2:43 p.m. May 11	May 11
	819	61	2:45 p.m. May 11	May 11

Sincerely,
Mark Ritchie
Secretary of State

May 12, 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. 1539, 1910, 1876, 1569, 1810, 806, 1431, 675, 532, 457, 1408, 1217, 1476 and 1425.

Sincerely,
Tim Pawlenty, Governor

May 12, 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
1539		62	4:52 p.m. May 12	May 12
1910		63	10:13 p.m. May 12	May 12
1876		64	10:14 p.m. May 12	May 12
1569		65	4:43 p.m. May 12	May 12
	1056	66	4:44 p.m. May 12	May 12
1810		67	10:15 p.m. May 12	May 12
806		68	4:46 p.m. May 12	May 12
1431		69	4:47 p.m. May 12	May 12
675		70	10:16 p.m. May 12	May 12
532		71	4:41 p.m. May 12	May 12
457		72	10:17 p.m. May 12	May 12
1408		73	10:18 p.m. May 12	May 12
1217		74	10:20 p.m. May 12	May 12
1476		75	4:50 p.m. May 12	May 12
1425		76	4:51 p.m. May 12	May 12

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. 284 and 1890.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 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. 477: A bill for an act relating to solid waste; requiring a pilot program to be implemented by paint manufacturers to recycle paint; amending Minnesota Statutes 2008, section 13.7411, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

Sailer, Simon and McNamara.

Senate File No. 477 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 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. 489: A bill for an act relating to reverse mortgages; eliminating the requirement that a reverse mortgage becomes due when committed principal has been fully paid; mandating counseling by an independent housing agency; regulating lender default; imposing liability on a subsequent purchaser of a reverse mortgage; providing for a right of rescission; defining suitability; amending Minnesota Statutes 2008, section 47.58, subdivisions 1, 3, 8, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 58; 60A; 60K.

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

Davnie, Doty and Kohls.

Senate File No. 489 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 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. 1447: A bill for an act relating to human services; making changes to licensing provisions, including data practices, disqualifications, and background study requirements; providing alternate supervision technology for adult foster care licensing; amending Minnesota Statutes 2008, sections 13.46, subdivisions 3, 4; 147C.01; 147C.05; 147C.10; 147C.15; 147C.20; 147C.25; 147C.30; 147C.35; 147C.40; 245A.03, subdivision 2; 245A.04, subdivisions 5, 7; 245A.05; 245A.06, subdivision 8; 245A.07, subdivisions 1, 3, 5; 245A.11, by adding a subdivision; 245A.1435; 245A.16, subdivision 1; 245A.50, subdivision 5; 245C.03, subdivision 4; 245C.04, subdivision 1; 245C.07; 245C.08; 245C.13, subdivision 2; 245C.14, subdivision 2;

245C.15, subdivisions 1, 2, 3, 4; 245C.22, subdivision 7; 245C.24, subdivisions 2, 3; 245C.25; 245C.27, subdivision 1; 245C.301; 256.045, subdivisions 3, 3b; 299C.61, subdivision 6; 299C.62, subdivisions 3, 4; 626.556, subdivisions 2, 10e, 10f; 626.557, subdivisions 9c, 12b; 626.5572, subdivision 13; repealing Minnesota Statutes 2008, section 245C.10, subdivision 1.

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

Abeler, Thao and Lesch.

Senate File No. 1447 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 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. 1477: A bill for an act relating to construction codes; providing a limited exemption.

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

Seifert, Juhnke and Koenen.

Senate File No. 1477 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2009

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 417:

H.F. No. 417: A bill for an act relating to commerce; prohibiting certain claims processing practices by third-party administrators of health coverage plans; regulating health claims clearinghouses; providing recovery of damages and attorney fees for breach of an insurance policy; permitting a deceased professional's surviving spouse to retain ownership of a professional firm that was solely owned by the decedent for up to one year after the death; amending Minnesota Statutes 2008, sections 60A.23, subdivision 8; 319B.02, by adding a subdivision; 319B.07, subdivision 1; 319B.08; 319B.09, subdivision 1; 471.982, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 60A; 62Q.

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

Atkins, Johnson and Smith have been appointed as such committee on the part of the House.

House File No. 417 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 13, 2009

Senator Pogemiller, for Senator Bakk, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 417, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1760:

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.

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

Thissen, Ruud, Bunn, Fritz and Kelly have been appointed as such committee on the part of the House.

House File No. 1760 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 13, 2009

Senator Lourey moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1760, 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.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2251:

H.F. No. 2251: A bill for an act relating to state government finance; providing federal stimulus oversight funding for certain state agencies; establishing a fiscal stabilization account; appropriating money.

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

Solberg, Carlson, Faust, Brynaert and Howes have been appointed as such committee on the part of the House.

House File No. 2251 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 13, 2009

Senator Pogemiller, for Senator Cohen, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2251, 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.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2082, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2082: A bill for an act relating to government operations; modifying provisions for general legislative and administrative expenses of state government; regulating state and local government operations; establishing a statewide electronic licensing system; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 5.12, subdivision 1; 5.29; 5.32; 5A.03; 10A.31, subdivision 4; 16A.133, subdivision 1; 16B.24, subdivision 5; 43A.49; 45.24; 270C.63, subdivision 13; 302A.821; 303.14; 303.16, subdivision 4; 308A.995; 308B.121, subdivisions 1, 2; 317A.823; 321.0206; 321.0210; 321.0810; 322B.960; 323A.1003; 333.055; 336A.04, subdivision 3; 336A.09, subdivision 2; 359.01, subdivision 3; 469.175, subdivisions 1, 6; proposing coding for new law in Minnesota Statutes, chapters 5; 16E; repealing Minnesota Statutes 2008, section 240A.08.

Senate File No. 2082 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2009

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 535, 1276 and 1132.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 13, 2009

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 535: A bill for an act relating to health occupations; changing provisions for chiropractors, pharmacists, respiratory therapists, physician assistants, psychologists, nutritionists, and social work; licensing dental therapists and oral health practitioners; setting fees; amending Minnesota Statutes 2008, sections 62M.09, subdivision 3a; 62U.09, subdivision 2; 144.1501, subdivision 1; 144E.001, subdivisions 3a, 9c; 147.09; 147A.01; 147A.02; 147A.03; 147A.04; 147A.05; 147A.06; 147A.07; 147A.08; 147A.09; 147A.11; 147A.13; 147A.16; 147A.18; 147A.19; 147A.20; 147A.21; 147A.23; 147A.24; 147A.26; 147A.27; 147C.01; 147C.05; 147C.10; 147C.15; 147C.20; 147C.25; 147C.30; 147C.35; 147C.40; 148.06, subdivision 1; 148.624, subdivision 2; 148.89, subdivision 5; 148D.010, subdivisions 9, 15, by adding subdivisions; 148D.025, subdivisions 2, 3; 148D.061, subdivisions 6, 8; 148D.062, subdivision 2; 148D.063, subdivision 2; 148D.125, subdivisions 1, 3; 148E.010, subdivisions 11, 17, by adding subdivisions; 148E.025, subdivisions 2, 3; 148E.055, subdivision 5; 148E.100, subdivisions 3, 4, 5, 6, 7, by adding a subdivision; 148E.105, subdivisions 1, 3, 5, 7, by adding a subdivision; 148E.106, subdivisions 1, 2, 3, 4, 5, 8, 9, by adding a subdivision; 148E.110, subdivisions 1, 2, by adding subdivisions; 148E.115, subdivision 1, by adding a subdivision; 148E.120; 148E.125, subdivisions 1, 3; 148E.130, subdivisions 2, 5, by adding a subdivision; 148E.165, subdivision 1; 150A.01, by adding subdivisions; 150A.05, subdivision 2, by adding a subdivision; 150A.06, subdivisions 2d, 5, 6, by adding subdivisions; 150A.08, subdivisions 1, 3a, 5; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 8, 10; 150A.10, subdivisions 1, 2, 3, 4; 150A.11, subdivision 4; 150A.12; 150A.21, subdivisions 1, 4; 151.01, subdivision 23; 151.37, subdivision 2; 169.345, subdivision 2; 214.103, subdivision 9; 253B.02, subdivision 7; 253B.05, subdivision 2; 256B.0625, subdivision 28a; 256B.0751, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 148; 150A; repealing Minnesota Statutes 2008, sections 147A.22; 148.627; 148D.062, subdivision 5; 148D.125, subdivision 2; 148D.180, subdivision 8; 148E.106, subdivision 6; 148E.125, subdivision 2; 150A.061; Minnesota Rules, part 2500.5000.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 499, now on General Orders.

H.F. No. 1276: A bill for an act relating to health and human services; relieving counties of certain mandates; making changes to residential treatment facilities; county payment of cremation, burial, and funeral expenses; child welfare provisions; health plan audits; nursing facilities; home health aides; inspections of day training and habilitation facilities; changing certain health care provisions relating to school districts, charter schools, and local governments; amending Minnesota Statutes 2008, sections 62Q.37, subdivision 3; 144A.04, subdivision 11, by adding a subdivision; 144A.43, by adding a subdivision; 144A.45, subdivision 1, by adding a subdivision; 245.4882,

subdivision 1; 245.4885, subdivisions 1, 1a; 256.935, subdivision 1; 256.962, subdivisions 6, 7; 256B.0945, subdivisions 1, 4; 256F.13, subdivision 1; 260C.212, subdivisions 4a, 11; 261.035; 471.61, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245B; repealing Minnesota Rules, part 4668.0110, subpart 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 986, now on General Orders.

H.F. No. 1132: A bill for an act relating to natural resources; modifying refund provisions; modifying commissioner's authority; modifying restrictions in migratory feeding and resting areas; providing certain exemptions from local law; modifying wild animal and fish taking, possession, and licensing requirements; modifying provisions relating to the possession of certain weapons; removing bow and gun case requirements; authorizing certain fees; authorizing acquisition of and requiring grants of certain easements; modifying management authority for tax-forfeited lands; adding to and deleting from certain state parks; modifying state trails; removing land from the Minnesota wild and scenic rivers program; authorizing public and private sales and exchanges of state land; requiring wind energy lease; modifying previous sales authorization and land descriptions; requiring location of sites for veterans cemetery; requiring increase in appraised estimates for timber sales; requiring forest lease pilot project; changing certain programs and requirements; requiring rulemaking; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 17.4981; 17.4988, subdivision 3; 84.027, subdivision 13; 84.0273; 84.788, subdivision 11; 84.798, subdivision 10; 84.82, subdivision 11; 84.922, subdivision 12; 85.0115; 85.015, subdivision 13; 86B.415, subdivision 11; 97A.075, subdivision 1; 97A.095, subdivision 2; 97A.137, by adding subdivisions; 97A.405, subdivision 4; 97A.421, subdivision 1; 97A.441, subdivision 7; 97A.445, subdivision 1; 97A.451, subdivision 2, by adding a subdivision; 97A.465, subdivision 1b; 97A.475, subdivisions 2, 3, 7, 11, 12, 29; 97A.525, subdivision 1; 97B.035, subdivision 2; 97B.045, subdivision 2, by adding a subdivision; 97B.051; 97B.055, subdivision 3; 97B.086; 97B.111, subdivision 1; 97B.328, subdivision 3; 97B.651; 97B.811, subdivisions 2, 3; 97B.931, subdivision 1; 97C.081, subdivisions 2, 3, 4, 9; 97C.315, subdivision 1; 97C.355, subdivision 2; 97C.371, by adding a subdivision; 97C.385, subdivision 2; 97C.395, subdivision 1; 282.04, subdivision 1; Laws 1996, chapter 407, section 32, subdivision 3; Laws 2007, chapter 131, article 2, section 38; Laws 2008, chapter 368, article 1, sections 21, subdivisions 4, 5; 34; article 2, section 25; proposing coding for new law in Minnesota Statutes, chapters 84; 97B; 97C; repealing Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.301, subdivisions 7, 8; 97C.405.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

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

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

H.F. No. 1853 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.
1853	1653				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1853 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1853, the second engrossment; and insert the language after the enacting clause of S.F. No. 1653, the first engrossment; further, delete the title of H.F. No. 1853, the second engrossment; and insert the title of S.F. No. 1653, the first engrossment.

And when so amended H.F. No. 1853 will be identical to S.F. No. 1653, and further recommends that H.F. No. 1853 be given its second reading and substituted for S.F. No. 1653, 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. 1745 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.
1745	1445				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1745 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1745, the second engrossment; and insert the language after the enacting clause of S.F. No. 1445, the second engrossment; further, delete the title of H.F. No. 1745, the second engrossment; and insert the title of S.F. No. 1445, the second engrossment.

And when so amended H.F. No. 1745 will be identical to S.F. No. 1445, and further recommends that H.F. No. 1745 be given its second reading and substituted for S.F. No. 1445, 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. 1880 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.
1880	1982				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1880 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1880, the second engrossment; and insert the language after the enacting clause of S.F. No. 1982, the second engrossment; further, delete the title of H.F. No. 1880, the second engrossment; and insert the title of S.F. No. 1982, the second engrossment.

And when so amended H.F. No. 1880 will be identical to S.F. No. 1982, and further recommends that H.F. No. 1880 be given its second reading and substituted for S.F. No. 1982, 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. 1250 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.
1250	916				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1250 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1250, the fourth engrossment; and insert the language after the enacting clause of S.F. No. 916, the third engrossment; further, delete the title of H.F. No. 1250, the fourth engrossment; and insert the title of S.F. No. 916, the third engrossment.

And when so amended H.F. No. 1250 will be identical to S.F. No. 916, and further recommends that H.F. No. 1250 be given its second reading and substituted for S.F. No. 916, 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. 705 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.
705	1599				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 705 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 705; and insert the language after the enacting clause of S.F. No. 1599, the first engrossment; further, delete the title of H.F. No. 705; and insert the title of S.F. No. 1599, the first engrossment.

And when so amended H.F. No. 705 will be identical to S.F. No. 1599, and further recommends that H.F. No. 705 be given its second reading and substituted for S.F. No. 1599, 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. 1193 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1193	1011				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1053 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.
				1053	660

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No.

1053 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1053, the second engrossment; and insert the language after the enacting clause of S.F. No. 660, the second engrossment; further, delete the title of H.F. No. 1053, the second engrossment; and insert the title of S.F. No. 660, the second engrossment.

And when so amended H.F. No. 1053 will be identical to S.F. No. 660, and further recommends that H.F. No. 1053 be given its second reading and substituted for S.F. No. 660, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 1853, 1745, 1880, 1250, 705, 1193 and 1053 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Sparks and Scheid introduced—

S.F. No. 2144: A bill for an act relating to commerce; regulating claims practices for certain homeowner's or property claims; amending Minnesota Statutes 2008, section 72A.201, subdivision 4.

Referred to the Committee on Commerce and Consumer Protection.

Senators Pappas, Anderson and Berglin introduced—

S.F. No. 2145: A bill for an act relating to marriage; providing for gender-neutral marriage laws; enacting the Marriage and Family Protection Act; amending Minnesota Statutes 2008, sections 363A.27; 517.01; 517.03, subdivision 1; 517.08, subdivision 1a; 517.09.

Referred to the Committee on Judiciary.

Senator Stumpf introduced—

S.F. No. 2146: A bill for an act relating to higher education; establishing a student loan forgiveness program for dentists to increase enrollment in the University of Minnesota School of Dentistry; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senators Metzen, Pogemiller, Bakk, Frederickson and Kelash introduced –

Senate Resolution No. 98: A Senate resolution honoring Dick Anfang.

Referred to the Committee on Rules and Administration.

Senators Dibble, Torres Ray, Berglin, Higgins and Kelash introduced –

Senate Resolution No. 99: A Senate resolution honoring Amber Damm for being named 2009 Minnesota Teacher of the Year.

Referred to the Committee on Rules and Administration.

Senator Sheran introduced –

Senate Resolution No. 100: A Senate resolution congratulating the Mankato Loyola High School Knowledge Bowl team for winning the 2008-2009 Division A State Knowledge Bowl Championship.

Referred to the Committee on Rules and Administration.

Senators Sieben, Metzen, Stumpf and Pogemiller introduced –

Senate Resolution No. 101: A Senate resolution recognizing South St. Paul School District's International Baccalaureate (IB) Diploma Program.

Referred to the Committee on Rules and Administration.

RECONSIDERATION

Having voted on the prevailing side, Senator Fobbe moved that the vote whereby H.F. No. 1275 was passed by the Senate on May 13, 2009, be now reconsidered. The motion prevailed. So the vote was reconsidered.

H.F. No. 1275: A bill for an act relating to environment; modifying sewage treatment systems provisions; changing terminology; amending Minnesota Statutes 2008, sections 115.55, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 9; 115.56, subdivisions 1, 2, 3; 326B.46, subdivision 2; repealing Minnesota Statutes 2008, sections 115.55, subdivision 10; 115.56, subdivision 2a.

Senator Fobbe moved that the amendment made to H.F. No. 1275 by the Committee on Rules and Administration in the report adopted May 6, 2009, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1275 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 39 and nays 17, as follows:

Those who voted in the affirmative were:

Bakk	Dille	Langseth	Pogemiller	Skogen
Berglin	Erickson Ropes	Latz	Rest	Sparks
Betzold	Fobbe	Lourey	Robling	Stumpf
Bonoff	Foley	Lynch	Rummel	Tomassoni
Carlson	Frederickson	Marty	Saltzman	Torres Ray
Chaudhary	Higgins	Metzen	Saxhaug	Vickerman
Clark	Kelash	Olseen	Scheid	Wiger
Dahle	Kubly	Olson, M.	Sheran	

Those who voted in the negative were:

Fischbach	Ingebrigtsen	Koering	Ortman	Vandevveer
Gerlach	Johnson	Limmer	Pariseau	
Gimse	Jungbauer	Michel	Rosen	
Hann	Koch	Olson, G.	Senjem	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Murphy moved that the name of Senator Dille be added as a co-author to S.F. No. 42. The motion prevailed.

RECESS

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

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

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

CONFIRMATION

Senator Moua moved that the appointments of notaries public, received May 13, 2009, be taken from the table. The motion prevailed.

Senator Moua moved that the Senate do now consent to and confirm the appointments of the notaries public. The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Moua moved that the report from the Committee on Judiciary, reported May 13th, 2009,

pertaining to appointments to the Board on Judicial Standards, be taken from the table. The motion prevailed.

Senator Moua moved that the foregoing report be now adopted. The motion prevailed.

Senator Moua moved that in accordance with the report from the Committee on Judiciary, reported May 13th, 2009, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD ON JUDICIAL STANDARDS

Douglas A. Fuller, 2004 Grotte Ave. N.E., Bemidji, Beltrami County, effective January 13, 2009, for a term expiring on January 7, 2013.

Patrick D. Sexton, 5538 Upton Ave. S., Minneapolis, Hennepin County, effective May 12, 2008, for a term expiring on January 2, 2012.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Chaudhary moved that the report from the Committee on Environment and Natural Resources, reported May 4, 2009, pertaining to appointments to the Lessard Outdoor Heritage Council, be taken from the table. The motion prevailed.

Senator Chaudhary moved that the foregoing report be now adopted. The motion prevailed.

Senator Chaudhary moved that in accordance with the report from the Committee on Environment and Natural Resources, reported May 4, 2009, the Senate, having given its advice, do now consent to and confirm the appointment of:

LESSARD OUTDOOR HERITAGE COUNCIL

James Cox, 11790 Hwy. 284, Cologne, Carver County, effective December 1, 2008, for a term expiring on January 3, 2011.

Wayne Enger, 404 Mohr Ln., Perham, Otter Tail County, effective December 1, 2008, for a term expiring on January 7, 2013.

Scott Rall, P.O. Box 635, Worthington, Nobles County, effective December 1, 2008, for a term expiring on January 3, 2011.

Robert Schroeder, 1707 Summit Ave., Minneapolis, Hennepin County, effective December 1, 2008, for a term expiring on January 7, 2013.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Rosen, for Senator Prettner Solon, moved that the appointment to the Public Utilities Commission, be taken from the table. The motion prevailed.

Senator Rosen, for Senator Pogemiller, moved that in accordance with the report from the Committee on Energy, Utilities, Technology and Communications, reported April 23, 2009, the

Senate, having given its advice, do now consent to and confirm the appointment of:

PUBLIC UTILITIES COMMISSION

J. Dennis O'Brien, 251 Summit Ave., Saint Paul, Ramsey County, effective February 7, 2008, for a term expiring on January 6, 2014.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Bakk moved that the report from the Committee on Taxes, reported May 7, 2009, pertaining to appointments to the Tax Court, be taken from the table. The motion prevailed.

Senator Bakk moved that the foregoing report be now adopted. The motion prevailed.

Senator Bakk moved that in accordance with the report from the Committee on Taxes, reported May 7, 2009, the Senate, having given its advice, do now consent to and confirm the appointment of:

**TAX COURT
JUDGE**

Sheryl A. Ramstad, 1186 Summit Ave., Saint Paul, Ramsey County, effective January 28, 2009, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

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

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

S.F. Nos. 1708, 358, 1778, 133, 798, 745 and 767, which the committee recommends to pass.

S.F. No. 182, which the committee recommends to pass, subject to the following motions:

Senator Murphy moved that S.F. No. 182 be re-referred to the Committee on Rules and Administration.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 19 and nays 39, as follows:

Those who voted in the affirmative were:

Day	Gimse	Kelash	Murphy	Pariseau
Dille	Hann	Koering	Olseen	Skogen
Doll	Johnson	Limmer	Olson, G.	Vandev eer
Gerlach	Jungbauer	Lynch	Ortman	

Those who voted in the negative were:

Anderson	Cohen	Langseth	Pogemiller	Sieben
Bakk	Dahle	Latz	Rest	Skoe
Berglin	Dibble	Marty	Robling	Sparks
Betzold	Erickson Ropes	Metzen	Rosen	Stumpf
Bonoff	Fobbe	Michel	Rummel	Torres Ray
Carlson	Foley	Moua	Saltzman	Vickerman
Chaudhary	Higgins	Olson, M.	Scheid	Wiger
Clark	Kubly	Pappas	Sheran	

The motion did not prevail.

The question was taken on the recommendation to pass S.F. No. 182.

The roll was called, and there were yeas 31 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Fobbe	Marty	Rummel	Torres Ray
Betzold	Foley	Metzen	Saltzman	Vickerman
Bonoff	Frederickson	Moua	Scheid	Wiger
Chaudhary	Kubly	Pappas	Sheran	
Clark	Langseth	Pogemiller	Sieben	
Dahle	Latz	Rest	Skoe	
Erickson Ropes	Limmer	Robling	Stumpf	

Those who voted in the negative were:

Bakk	Doll	Jungbauer	Murphy	Skogen
Berglin	Gerlach	Kelash	Olseen	Sparks
Cohen	Hann	Koering	Pariseau	Tomassoni
Day	Ingebrigtsen	Lourey	Rosen	Vandev eer
Dille	Johnson	Lynch	Saxhaug	

The motion prevailed. So S.F. No. 182 was recommended to pass.

H.F. No. 519 which the committee reports progress, subject to the following motions:

Pursuant to Rule 41.2, Senator Vandev eer moved that he be excused from voting on all questions pertaining to H.F. No. 519. The motion prevailed.

Senator Bakk moved to amend H.F. No. 519, as amended pursuant to Rule 45, adopted by the Senate May 7, 2009, as follows:

(The text of the amended House File is identical to S.F. No. 747.)

Page 3, after line 12, insert:

"Sec. 3. Minnesota Statutes 2008, section 462.354, subdivision 2, is amended to read:

Subd. 2. **Board of adjustments and appeals.** The governing body of any municipality adopting or having in effect a zoning ordinance or an official map shall provide by ordinance for a board of adjustments and appeals ~~and adjustments~~. The board shall have the powers set forth in section 462.357, subdivision 6 and section 462.359, subdivision 4. Except as otherwise provided by charter,

the governing body may provide alternatively that there be a separate board of adjustments and appeals and adjustments or that the governing body or the planning commission or a committee of the planning commission serve as the board of adjustments and appeals and adjustments, and it may provide an appropriate name for the board. The board may be given such other duties as the governing body may direct.

In any municipality where the council does not serve as the board, the governing body may, except as otherwise provided by charter, provide that the decisions of the board on matters within its jurisdiction are final subject to judicial review or are final subject to appeal to the council and the right of later judicial review or are advisory to the council. Hearings by the board of adjustments and appeals and adjustments shall be held within such time and upon such notice to interested parties as is provided in the ordinance establishing the board. The board shall within a reasonable time make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney. Subject to such limitations as may be imposed by the governing body, the board may adopt rules for the conduct of proceedings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The board shall provide for a record of its proceedings which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order. In any municipality in which the planning agency does not act as the board of adjustments and appeals, the board shall make no decision on an appeal or petition until the planning agency, if there is one, or a representative authorized by it has had reasonable opportunity, not to exceed 60 days, to review and report to the board of adjustments and appeals upon the appeal or petition."

Page 5, after line 12, insert:

"Sec. 5. Minnesota Statutes 2008, section 462.361, subdivision 1, is amended to read:

Subdivision 1. **Review of action.** ~~Any~~ A person aggrieved by an ordinance, rule, regulation, decision or order of a governing body or board of adjustments and appeals acting ~~pursuant to~~ under sections 462.351 to 462.364 may have ~~such~~ the ordinance, rule, regulation, decision, or order, reviewed by ~~an appropriate remedy in~~ the district court, ~~subject to the provisions of this section.~~ The appeal must be filed with the district court within 60 days of the final decision of the governing body or board of adjustments and appeals. A decision is final when the governing body or board of adjustments and appeals votes on the decision.

EFFECTIVE DATE; APPLICATION. This section applies to a final decision made before, on, or after the effective date of this act. If a final decision was made before the effective date, an appeal must be filed within 60 days of the effective date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 519 was then progressed.

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

MOTIONS AND RESOLUTIONS - CONTINUED**SUSPENSION OF RULES**

Senator Pogemiller moved that Rule 22.3 be suspended as to the lie-over requirement on S.F. No. 1219 on General Orders. The motion prevailed.

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

GENERAL ORDERS

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

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

S.F. Nos. 1235, 1219 and H.F. No. 519, which the committee recommends to pass.

H.F. No. 1849, which the committee recommends to pass with the following amendments offered by Senators Rest and Vandever:

Senator Rest moved to amend H.F. No. 1849, as amended pursuant to Rule 45, adopted by the Senate May 13, 2009, as follows:

(The text of the amended House File is identical to S.F. No. 1544.)

Page 2, after line 19, insert:

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

Page 2, line 20, delete "(2)" and insert "(3)"

Page 2, line 23, delete "(3)" and insert "(4)"

Page 3, delete section 4

Page 5, delete sections 9, 10, and 11

Page 13, after line 34, insert:

"Sec. 18. Minnesota Statutes 2008, section 471.661, is amended to read:

471.661 OUT-OF-STATE TRAVEL.

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

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

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

Page 14, delete section 22

Page 15, delete section 24 and insert:

"Sec. 20. Minnesota Statutes 2008, section 641.12, subdivision 1, is amended to read:

Subdivision 1. **Fee.** A county board may require that each person who is booked for confinement at a county or regional jail, and not released upon completion of the booking process, pay a fee of ~~up to \$10~~ to the sheriff's department of the county in which the jail is located to cover costs incurred by the county in the booking of that person. The fee is payable immediately from any money then possessed by the person being booked, or any money deposited with the sheriff's department on the person's behalf. If the person has no funds at the time of booking or during the period of any incarceration, the sheriff shall notify the district court in the county where the charges related to the booking are pending, and shall request the assessment of the fee. Notwithstanding section 609.10 or 609.125, upon notification from the sheriff, the district court must order the fee paid to the sheriff's department as part of any sentence or disposition imposed. If the person is not charged, is acquitted, or if the charges are dismissed, the sheriff shall return the fee to the person at the last known address listed in the booking records."

Page 15, delete section 26 and insert:

"Sec. 22. **REPEALER.**

Minnesota Statutes 2008, sections 373.42; 384.151, subdivisions 1 and 3; 385.373, subdivisions 1 and 3; 386.015, subdivisions 1 and 4; and 387.20, subdivision 4, are repealed."

Re-number the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Vandever moved to amend H.F. No. 1849, as amended pursuant to Rule 45, adopted by the Senate May 13, 2009, as follows:

(The text of the amended House File is identical to S.F. No. 1544.)

Page 4, after line 22, insert:

"Sec. 7. Minnesota Statutes 2008, section 331A.02, subdivision 1, is amended to read:

Subdivision 1. **Qualification.** No newspaper in this state shall be entitled to any compensation or fee for publishing any public notice unless it is a qualified newspaper. A newspaper that is not qualified must inform a public body that presents a public notice for publication that it is not qualified. To be qualified, a newspaper shall:

(a) be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 1,000 square inches, or 800 square inches if the political subdivision the newspaper purports to serve has a population of under 1,300 and the newspaper does not receive a public subsidy;

(b) if a daily, be distributed at least five days each week. If not a daily, the newspaper may be distributed twice a month with respect to the publishing of government public notices. In any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(c) in at least half of its issues each year, have no more than 75 percent of its printed space comprised of advertising material and paid public notices. In all of its issues each year, have 25 percent, if published more often than weekly, or 50 percent, if weekly, of its news columns devoted to news of local interest to the community which it purports to serve. Not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services;

(d) be circulated in the political subdivision which it purports to serve, and either have at least 500 400 copies regularly delivered to paying subscribers, or 250 copies delivered to paying subscribers if the political subdivision it purports to serve has a population of under 1,300, or have at least 500 400 copies regularly distributed without charge to local residents, or 250 copies distributed without charge to local residents if the political subdivision it purports to serve has a population of under 1,300;

(e) have its known office of issue established in either the county in which lies, in whole or in part, the political subdivision which the newspaper purports to serve, or in an adjoining county;

(f) file a copy of each issue immediately with the State Historical Society;

(g) be made available at single or subscription prices to any person or entity requesting the newspaper and making the applicable payment, or be distributed without charge to local residents;

(h) have complied with all the foregoing conditions of this subdivision for at least one year immediately preceding the date of the notice publication;

(i) between September 1 and December 31 of each year publish a sworn United States Post Office periodicals-class statement of ownership and circulation or a statement of ownership and circulation verified by a recognized independent circulation auditing agency covering a period of at least one year ending no earlier than the June 30 preceding the publication deadline. When publication occurs after December 31 and before July 1, qualification shall be effective from the date of the filing described in paragraph (j) through December 31 of that year; and

(j) after publication, submit to the secretary of state by December 31 a filing containing the newspaper's name, address of its known office of issue, telephone number, and a statement that it has complied with all of the requirements of this section. The filing must be accompanied by a fee of \$25. The secretary of state shall make available for public inspection a list of newspapers that have filed. Acceptance of a filing does not constitute a guarantee by the state that any other qualification has been met."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1509, which the committee recommends to pass with the following amendment offered by Senator Moua:

Page 1, after line 11, insert:

"Section 1. [16A.89] STUDY AND EVALUATION OF MONEY USED TO SUPPORT CHILDREN.

Subdivision 1. **Pilot project.** (a) After soliciting public input as required by paragraph (b), the commissioner shall use existing resources available to the department to design and oversee a pilot project to study and evaluate all state expenditures, regardless of source, that serve the primary function of supporting the care, health, safety, stability, growth, development, and education of children in this state. For purposes of this section, "children" includes individuals under 21 years of age.

(b) The commissioner shall solicit public input regarding the study and evaluation required by this section by providing public notice of the project and subsequent revisions on the Department of Finance Web site. The commissioner shall provide an opportunity for members of the public to provide suggestions for the design and development of the project. In particular, the commissioner shall seek suggestions and comments from individuals who have conducted relevant research at higher education institutions and from individuals with relevant experience at nonprofit institutions and foundations.

(c) The study and evaluation must include, but is not limited to:

(1) an inventory of all federal and state funding sources that support children in this state, including prenatal services for pregnant women and child care programs, grouped in a manner that would assist the legislature in determining whether there are overlapping programs that lead to duplication within the state, gaps in service delivery, and any administrative inefficiencies generally; and

(2) a description of the manner in which the money is being used within the agencies or organizations, the performance measures in place to assess the use of the money, and the intended outcomes of the programs and services, to the extent this information is available.

Subd. 2. **Updates.** As part of the report required under subdivision 4, the commissioner shall provide a description of the experience gained from the pilot project, including any necessary draft legislation regarding possible updates and enhancements to the evaluation of the money used to support children in the state.

Subd. 3. **Agency assistance.** Upon request, each state department or agency shall provide assistance to the commissioner for the purposes of this section.

Subd. 4. **Report.** By January 15, 2010, the commissioner shall report to the legislative committees and budget divisions with jurisdiction over children, family security, education, health, human services, housing, public safety, corrections, and the judiciary by providing an electronic version of the executive summary included in the report required by this subdivision. The report must be available online.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 348, which the committee recommends to pass with the following amendment offered by Senator Anderson:

Amend H.F. No. 348, as amended pursuant to Rule 45, adopted by the Senate May 11, 2009, as follows:

(The text of the amended House File is identical to S.F. No. 297.)

Page 1, line 13, before the period, insert "and whose law enforcement duties do not have a material nexus with potential legal proceedings for which the deputy sheriff counsels clients"

Page 1, after line 15, insert:

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

The motion prevailed. So the amendment was adopted.

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

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. 1331: A bill for an act relating to elections; moving the state primary from September to June and making conforming changes; updating certain ballot and voting system requirements; changing certain election administration provisions; authorizing early voting; expanding requirements and authorizations for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes; changing certain absentee ballot requirements and provisions; requiring a special election for certain vacancies in nomination; changing the special election requirements for vacancies in Congressional offices; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; changing municipal precinct and ward boundary requirements for certain cities; imposing additional requirements on polling place challengers; changing certain caucus and campaign provisions;

amending Minnesota Statutes 2008, sections 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323; 103C.305, subdivisions 1, 3; 135A.17, subdivision 2; 201.016, subdivisions 1a, 2; 201.022, subdivision 1; 201.056; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision; 201.11; 201.12; 201.13; 202A.14, subdivision 3; 203B.001; 203B.01, by adding a subdivision; 203B.02, subdivision 3; 203B.03, subdivision 1; 203B.04, subdivisions 1, 6; 203B.05; 203B.06, subdivisions 3, 5; 203B.07, subdivisions 2, 3; 203B.08, subdivisions 2, 3, by adding a subdivision; 203B.081; 203B.085; 203B.11, subdivision 1; 203B.12; 203B.125; 203B.16, subdivision 2; 203B.17, subdivision 1; 203B.19; 203B.21, subdivision 2; 203B.22; 203B.225, subdivision 1; 203B.227; 203B.23, subdivision 2; 203B.24, subdivision 1; 203B.26; 204B.04, subdivisions 2, 3; 204B.06, by adding a subdivision; 204B.07, subdivision 1; 204B.09, subdivisions 1, 3; 204B.11, subdivision 2; 204B.13, subdivisions 1, 2, by adding subdivisions; 204B.135, subdivisions 1, 3, 4; 204B.14, subdivisions 2, 3, 4, by adding a subdivision; 204B.16, subdivision 1; 204B.18; 204B.21, subdivision 1; 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2, 3; 204B.28, subdivision 2; 204B.33; 204B.35, subdivision 4; 204B.44; 204B.45, subdivision 2; 204B.46; 204C.02; 204C.04, subdivision 1; 204C.06, subdivision 1; 204C.07, subdivisions 3a, 4; 204C.08; 204C.10; 204C.12, subdivision 2; 204C.13, subdivisions 2, 3, 5, 6; 204C.17; 204C.19, subdivision 2; 204C.20, subdivisions 1, 2; 204C.21; 204C.22, subdivisions 3, 4, 6, 7, 10, 13; 204C.24, subdivision 1; 204C.25; 204C.26; 204C.27; 204C.28, subdivision 3; 204C.30, by adding subdivisions; 204C.33, subdivisions 1, 3; 204C.35, subdivisions 1, 2, by adding a subdivision; 204C.36, subdivisions 1, 3, 4; 204C.37; 204D.03, subdivisions 1, 3; 204D.04, subdivision 2; 204D.05, subdivision 3; 204D.07; 204D.08; 204D.09, subdivision 2; 204D.10, subdivisions 1, 3; 204D.11, subdivision 1; 204D.12; 204D.13; 204D.16; 204D.165; 204D.17; 204D.19; 204D.20, subdivision 1; 204D.25, subdivision 1; 205.065, subdivisions 1, 2; 205.07, by adding a subdivision; 205.075, subdivision 1; 205.13, subdivisions 1, 1a, 2; 205.16, subdivisions 2, 3, 4; 205.17, subdivisions 1, 3, 4, 5; 205.185, subdivision 3, by adding a subdivision; 205.84, subdivisions 1, 2; 205A.03, subdivisions 1, 2; 205A.05, subdivisions 1, 2; 205A.06, subdivision 1a; 205A.07, subdivisions 2, 3; 205A.08, subdivisions 1, 3, 4; 205A.10, subdivisions 2, 3, by adding a subdivision; 205A.11, subdivision 3; 206.56, subdivision 3; 206.57, subdivision 6; 206.82, subdivision 2; 206.83; 206.84, subdivision 3; 206.86, subdivision 6; 206.89, subdivisions 2, 3; 206.90, subdivisions 9, 10; 208.03; 208.04; 211B.045; 211B.11, by adding a subdivision; 211B.20, subdivisions 1, 2; 412.02, subdivision 2a; 414.02, subdivision 4; 414.031, subdivision 6; 414.0325, subdivisions 1, 4; 414.033, subdivision 7; 447.32, subdivision 4; Laws 2005, chapter 162, section 34, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 202A; 203B; 204B; 204C; 204D; 205; 205A; repealing Minnesota Statutes 2008, sections 3.22; 201.096; 203B.04, subdivision 5; 203B.10; 203B.11, subdivision 2; 203B.13, subdivisions 1, 2, 3, 4; 203B.25; 204B.12, subdivision 2a; 204B.13, subdivisions 4, 5, 6; 204B.22, subdivision 3; 204B.36; 204B.37; 204B.38; 204B.39; 204B.41; 204B.42; 204C.07, subdivision 3; 204C.13, subdivision 4; 204C.20, subdivision 3; 204C.23; 204D.05, subdivisions 1, 2; 204D.10, subdivision 2; 204D.11, subdivisions 2, 3, 4, 5, 6; 204D.14, subdivisions 1, 3; 204D.15, subdivisions 1, 3; 204D.169; 204D.28; 205.17, subdivision 2; 206.56, subdivision 5; 206.57, subdivision 7; 206.61, subdivisions 1, 3, 4, 5; 206.62; 206.805, subdivision 2; 206.84, subdivisions 1, 6, 7; 206.86, subdivisions 1, 2, 3, 4, 5; 206.90, subdivisions 3, 5, 6, 7, 8; 206.91; Minnesota Rules, part 8230.4365, subpart 5.

Senate File No. 1331 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2009

Senator Sieben moved that the Senate do not concur in the amendments by the House to S.F. No. 1331, 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.

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. 1503: A bill for an act relating to human services; changing child welfare provisions; modifying provisions governing adoption records; amending Minnesota Statutes 2008, sections 13.46, subdivision 2; 256.01, subdivision 14b; 259.52, subdivisions 2, 6; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260.012; 260.93; 260B.007, subdivision 7; 260B.157, subdivision 3; 260B.198, subdivision 1; 260C.007, subdivisions 18, 25; 260C.151, subdivisions 1, 2, 3, by adding a subdivision; 260C.163, by adding a subdivision; 260C.175, subdivision 1; 260C.176, subdivision 1; 260C.178, subdivisions 1, 3; 260C.201, subdivisions 1, 3, 5, 11; 260C.209, subdivision 3; 260C.212, subdivisions 1, 2, 4, 4a, 5, 7; 260D.02, subdivision 5; 260D.03, subdivision 1; 260D.07; 484.76, subdivision 2; Laws 2008, chapter 361, article 6, section 58; proposing coding for new law in Minnesota Statutes, chapter 260C; repealing Minnesota Statutes 2008, section 260C.209, subdivision 4.

Senate File No. 1503 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2009

Senator Torres Ray moved that the Senate do not concur in the amendments by the House to S.F. No. 1503, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 722: A bill for an act relating to public safety; requiring that information on persons civilly committed, found not guilty by reason of mental illness, or incompetent to stand trial be transmitted to the federal National Instant Criminal Background Check System; authorizing certain persons prohibited under state law from possessing a firearm to petition a court for restoration of this right; amending Minnesota Statutes 2008, section 624.713, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 253B.

Senate File No. 722 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2009

Senator Kelash moved that the Senate do not concur in the amendments by the House to S.F. No. 722, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

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

Senate File No. 1012 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2009

Senator Vickerman, for Senator Anderson, moved that the Senate do not concur in the amendments by the House to S.F. No. 1012, 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.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1529.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 14, 2009

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1529: A bill for an act relating to civil proceedings; removing a dollar limitation on attorney or agent fees in certain cases; amending Minnesota Statutes 2008, section 15.471, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 798, now on the Calendar.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Cohen moved that the following members be excused for a Conference Committee on H.F. No. 1231 at 1:35 p.m.:

Senators Cohen, Anderson, Saxhaug, Chaudhary and Frederickson. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Anderson moved that the following members be excused for a Conference Committee on S.F. No. 657 at 1:35 p.m.:

Senators Anderson, Prettner Solon, Kubly, Dille and Rummel. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Murphy moved that the following members be excused for a Conference Committee on H.F. No. 928 from 12:00 noon to 2:00 p.m.:

Senators Murphy, Dibble, Doll, Day and Sieben. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Clark moved that the following members be excused for a Conference Committee on S.F. No. 489 at 3:10 p.m.:

Senators Fobbe, Clark and Vandever. 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

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

REPORTS OF COMMITTEES

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

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

S.F. No. 191: A bill for an act relating to retirement; various retirement plans; making various statutory changes needed to accommodate the dissolution of the Minnesota Post Retirement Investment Fund; redefining the value of pension plan assets for actuarial reporting purposes; revising various disability benefit provisions of the general state employees retirement plan, the correctional state employees retirement plan, and the State Patrol retirement plan; making various administrative provision changes; establishing a voluntary statewide lump-sum volunteer firefighter retirement plan administered by the Public Employees Retirement Association; revising various volunteer firefighters' relief association provisions; correcting 2008 drafting errors related to the Minneapolis Employees Retirement Fund and other drafting errors; granting special retirement benefit authority in certain cases; revising the special transportation pilots retirement plan of the Minnesota State Retirement System; expanding the membership of the state correctional employees retirement plan; extending the amortization target date for the Fairmont Police Relief Association; modifying the number of board of trustees members of the Minneapolis Firefighters Relief Association; increasing state education aid to offset teacher retirement plan employer contribution increases; increasing teacher retirement plan member and employer contributions; revising the normal retirement age and providing prospective benefit accrual rate increases for teacher retirement plans; permitting the Brimson Volunteer Firefighters' Relief Association to implement a different board of trustees composition; permitting employees of the Minneapolis Firefighters Relief Association and the Minneapolis Police Relief Association to become members of the general employee retirement plan of the Public Employees Retirement Association; creating a two-year demonstration postretirement adjustment mechanism for the St. Paul Teachers Retirement Fund Association; creating a temporary postretirement option program for employees covered by the general employee retirement plan of the Public Employees Retirement Association; setting a statute of limitations for erroneous receipts of the general employee retirement plan of the Public Employees Retirement Association; permitting the Minnesota State Colleges and Universities System board to create an early separation incentive program; permitting certain Minnesota State Colleges and Universities System faculty members to make a second chance retirement coverage election upon achieving tenure; including the Weiner Memorial Medical Center, Inc., in the Public Employees Retirement Association privatization law; extending the approval deadline date for the inclusion of the Clearwater County Hospital in the Public Employees Retirement Association privatization law; appropriating money; amending Minnesota Statutes 2008, sections 3A.02, subdivision 3, by adding a subdivision; 3A.03, by adding a subdivision; 3A.04, by adding a subdivision; 3A.115; 11A.08, subdivision 1; 11A.17, subdivisions 1, 2; 11A.23, subdivisions 1, 2; 43A.34, subdivision 4; 43A.346, subdivisions 2, 6; 69.011, subdivisions 1, 2, 4; 69.021, subdivisions 7, 9; 69.031, subdivisions 1, 5; 69.77, subdivision 4; 69.771, subdivision 3; 69.772, subdivisions 4, 6; 69.773, subdivision 6; 127A.50, subdivision 1; 299A.465, subdivision 1; 352.01, subdivision 2b, by adding subdivisions; 352.021, by adding a subdivision; 352.04, subdivisions 1, 12; 352.061; 352.113, subdivision 4, by adding a subdivision; 352.115, by adding a subdivision; 352.12, by adding a subdivision; 352.75, subdivisions 3, 4; 352.86, subdivisions 1, 1a, 2; 352.91, subdivision 3d; 352.911, subdivisions 3, 5; 352.93, by adding a subdivision; 352.931, by adding a subdivision; 352.95, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 352B.02, subdivisions 1, 1a, 1c, 1d; 352B.08, by adding a subdivision; 352B.10, subdivisions 1, 2, 5, by adding subdivisions; 352B.11, subdivision 2, by adding a subdivision; 352C.10; 352D.06, subdivision 1; 352D.065, by adding a subdivision; 352D.075, by adding a subdivision; 353.01, subdivisions 2, 2a, 6, 11b, 16, 16b; 353.0161, subdivision 1; 353.03, subdivision 3a; 353.06; 353.27, subdivisions 1, 2, 3,

7, 7b; 353.29, by adding a subdivision; 353.31, subdivision 1b, by adding a subdivision; 353.33, subdivisions 1, 3b, 7, 11, 12, by adding subdivisions; 353.65, subdivisions 2, 3; 353.651, by adding a subdivision; 353.656, subdivision 5a, by adding a subdivision; 353.657, subdivision 3a, by adding a subdivision; 353.665, subdivision 3; 353A.02, subdivisions 14, 23; 353A.05, subdivisions 1, 2; 353A.08, subdivisions 1, 3, 6a; 353A.081, subdivision 2; 353A.09, subdivision 1; 353A.10, subdivisions 2, 3; 353E.01, subdivisions 3, 5; 353E.04, by adding a subdivision; 353E.06, by adding a subdivision; 353E.07, by adding a subdivision; 353F.02, subdivision 4; 354.05, subdivision 38, by adding a subdivision; 354.07, subdivision 4; 354.33, subdivision 5; 354.35, by adding a subdivision; 354.42, subdivisions 1a, 2, 3, by adding subdivisions; 354.44, subdivisions 4, 5, 6, by adding a subdivision; 354.46, by adding a subdivision; 354.47, subdivision 1; 354.48, subdivisions 4, 6, by adding a subdivision; 354.49, subdivision 2; 354.52, subdivisions 2a, 4b; 354.55, subdivisions 11, 13; 354.66, subdivision 6; 354.70, subdivisions 5, 6; 354A.011, subdivision 15a; 354A.096; 354A.12, subdivisions 1, 2a, by adding subdivisions; 354A.29, subdivision 3; 354A.31, subdivisions 4, 4a, 7; 354A.36, subdivision 6; 354B.21, subdivision 2; 356.20, subdivision 2; 356.215, subdivisions 1, 11; 356.219, subdivision 3; 356.315, by adding a subdivision; 356.32, subdivision 2; 356.351, subdivision 2; 356.401, subdivisions 2, 3; 356.465, subdivision 1, by adding a subdivision; 356.611, subdivisions 3, 4; 356.635, subdivisions 6, 7; 356.96, subdivisions 1, 5; 422A.06, subdivision 8; 422A.08, subdivision 5; 423C.03, subdivision 1; 424A.001, subdivisions 1, 1a, 2, 3, 4, 5, 6, 8, 9, 10, by adding subdivisions; 424A.01; 424A.02, subdivisions 1, 2, 3, 3a, 7, 8, 9, 9a, 9b, 10, 12, 13; 424A.021; 424A.03; 424A.04; 424A.05, subdivisions 1, 2, 3, 4; 424A.06; 424A.07; 424A.08; 424A.10, subdivisions 1, 2, 3, 4, 5; 424B.10, subdivision 2, by adding subdivisions; 424B.21; 490.123, subdivisions 1, 3; 490.124, by adding a subdivision; Laws 1989, chapter 319, article 11, section 13; Laws 2006, chapter 271, article 5, section 5, as amended; Laws 2008, chapter 349, article 14, section 13; proposing coding for new law in Minnesota Statutes, chapters 136F; 352B; 353; 354; 356; 420; 424A; 424B; proposing coding for new law as Minnesota Statutes, chapter 353G; repealing Minnesota Statutes 2008, sections 11A.041; 11A.18; 11A.181; 352.119, subdivisions 2, 3, 4; 352.86, subdivision 3; 352B.01, subdivisions 1, 2, 3, 3b, 4, 6, 7, 9, 10, 11; 352B.26, subdivisions 1, 3; 353.271; 353A.02, subdivision 20; 353A.09, subdivisions 2, 3; 354.05, subdivision 26; 354.06, subdivision 6; 354.55, subdivision 14; 354.63; 354A.29, subdivisions 2, 4, 5; 356.2165; 356.41; 356.431, subdivision 2; 422A.01, subdivision 13; 422A.06, subdivision 4; 422A.08, subdivision 5a; 424A.001, subdivision 7; 424A.02, subdivisions 4, 6, 8a, 8b, 9b; 424A.09; 424B.10, subdivision 1; 490.123, subdivisions 1c, 1e.

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

Page 5, line 4, strike "pursuant to" and insert "under"

Page 5, line 15, delete "their" and insert "a" and after "return" insert "to employment as a state employee"

Page 8, line 12, delete "entitled to" and insert "eligible for"

Page 54, line 18, delete "may" and insert "must" and after "be" insert "transmitted to the fund"

Page 60, after line 22, insert:

"Sec. 5. Minnesota Statutes 2008, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. **Coverage.** (a) Employees enumerated in paragraph (c), clause (1), are

participants in the unclassified program under this chapter. Employees enumerated in paragraph (c), ~~clauses (2), (3), (4), (6) to (14), and (16) to (18),~~ clauses (2) to (18), if they are in the unclassified service of the state or Metropolitan Council and are eligible for coverage under the general state employees retirement plan under chapter 352, are participants in the unclassified program under this chapter unless the employee gives notice to the executive director of the Minnesota State Retirement System within one year following the commencement of employment in the unclassified service that the employee desires coverage under the general state employees retirement plan. For the purposes of this chapter, an employee who does not file notice with the executive director is deemed to have exercised the option to participate in the unclassified program.

~~(b) Persons referenced in paragraph (c), clause (5), are participants in the unclassified program under this chapter unless the person was eligible to elect different coverage under section 3A.07 and elected retirement coverage by the applicable alternative retirement plan.~~ Persons referenced in paragraph (c), clause (15), are participants in the unclassified program under this chapter for judicial employment in excess of the service credit limit in section 490.121, subdivision 22.

(c) Enumerated employees ~~and referenced persons~~ are:

(1) the governor, the lieutenant governor, the secretary of state, the state auditor, and the attorney general;

(2) an employee in the Office of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney General;

(3) an employee of the State Board of Investment;

(4) the head of a department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or an employee enumerated in section 15A.0815 or 15A.083, subdivision 4;

(5) a member of the legislature;

(6) a full-time unclassified employee of the legislature or a commission or agency of the legislature who is appointed without a limit on the duration of the employment or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota State Retirement System;

(7) a person who is employed in a position established under section 43A.08, subdivision 1, clause (3), or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level;

(8) the regional administrator, or executive director of the Metropolitan Council, general counsel, division directors, operations managers, and other positions as designated by the council, all of which may not exceed 27 positions at the council and the chair;

(9) the executive director, associate executive director, and not to exceed nine positions of the Minnesota Office of Higher Education in the unclassified service, as designated by the Minnesota Office of Higher Education before January 1, 1992, or subsequently redesignated with the approval of the board of directors of the Minnesota State Retirement System, unless the person has elected coverage by the individual retirement account plan under chapter 354B;

(10) the clerk of the appellate courts appointed under article VI, section 2, of the Constitution of the state of Minnesota, the state court administrator and judicial district administrators;

(11) the chief executive officers of correctional facilities operated by the Department of Corrections and of hospitals and nursing homes operated by the Department of Human Services;

(12) an employee whose principal employment is at the state ceremonial house;

(13) an employee of the Agricultural Utilization Research Institute;

(14) an employee of the State Lottery who is covered by the managerial plan established under section 43A.18, subdivision 3;

(15) a judge who has exceeded the service credit limit in section 490.121, subdivision 22;

(16) an employee of Enterprise Minnesota, Inc.;

(17) a person employed by the Minnesota State Colleges and Universities as faculty or in an eligible unclassified administrative position as defined in section 354B.20, subdivision 6, who was employed by the former state university or the former community college system before May 1, 1995, and elected unclassified program coverage prior to May 1, 1995; and

(18) a person employed by the Minnesota State Colleges and Universities who was employed in state service before July 1, 1995, who subsequently is employed in an eligible unclassified administrative position as defined in section 354B.20, subdivision 6, and who elects coverage by the unclassified program.

Sec. 6. Minnesota Statutes 2008, section 352D.02, subdivision 3, is amended to read:

Subd. 3. **Transfer to general plan.** (a) An employee credited with ~~employee~~ shares in the unclassified program, after acquiring credit for ten years of allowable service and not later than one month following the termination of covered employment, may elect to terminate participation in the unclassified program and be covered by the general plan by filing a written election with the executive director. The executive director shall then redeem the employee's total shares and shall credit to the employee's account in the general plan the amount of contributions that would have been so credited had the employee been covered by the general plan during the employee's entire covered employment or elective state service. The balance of money so redeemed and not credited to the employee's account shall be transferred to the general plan retirement fund, except that (1) the employee contribution paid to the unclassified program must be compared to (2) the employee contributions that would have been paid to the general plan for the comparable period, if the individual had been covered by that plan. If clause (1) is greater than clause (2), the difference must be refunded to the employee as provided in section 352.22. If clause (2) is greater than clause (1), the difference must be paid by the employee within six months of electing general plan coverage or before the effective date of the annuity, whichever is sooner.

(b) An election under paragraph (a) to transfer coverage to the general plan is irrevocable during any period of covered employment.

(c) Notwithstanding paragraph (a), employees enumerated in subdivision 1, paragraph (c), clause (1), are not eligible for transfer to the general plan.

Page 66, line 11, delete "authorize" and insert "waive the payment of accrued interest"

Page 66, line 12, delete everything before "to" and delete "when" and insert "if"

Page 66, line 13, after "error" insert "and if the accrued interest is \$10 or less"

Page 84, line 32, delete "within" and insert "with"

Page 92, line 23, delete "sections 10 and 11" and insert "Minnesota Statutes, section 353.27, subdivisions 7 and 7b"

Page 93, line 36, after the comma, insert "paragraph (a),"

Page 94, line 21, delete "section 10" and insert "Minnesota Statutes, section 353.27, subdivision 7,"

Page 94, lines 24 and 25, delete "section 10" and insert "Minnesota Statutes, section 353.27, subdivision 7"

Page 98, line 1, before "members" insert "coordinated program"

Page 98, line 2, after the first comma, insert "to coordinated program members of"

Page 98, line 3, after "and" insert "to members of"

Page 98, line 4, delete "2012" and insert "2013"

Page 98, line 5, delete "2013" and insert "2014"

Page 98, line 6, delete "2014" and insert "2015"

Page 98, line 7, delete "2015" and insert "2016"

Page 98, line 8, delete "2011" and insert "2012"

Page 99, line 19, delete "2011" and insert "2012"

Page 100, lines 8, 11, and 25, delete "2011" and insert "2012"

Page 100, lines 12 and 13, delete "2012" and insert "2013"

Page 100, line 14, delete "2013" and insert "2014"

Page 100, line 16, delete "2013" and insert "2014" and delete "2014" and insert "2015"

Page 100, line 18, delete "2014" and insert "2015"

Page 100, line 29, delete ", for purposes of the applicable plan,"

Page 100, line 36, delete ", for the applicable"

Page 100, line 37, delete "plan,"

Page 101, after line 5, insert:

"EFFECTIVE DATE. This section is effective July 1, 2011."

Page 101, lines 11, 14, 17, and 20, delete "applicable"

Page 101, after line 21, insert:

"EFFECTIVE DATE. This section is effective July 1, 2011."

Page 102, line 1, delete "applicable"

Page 102, line 6, delete "For an applicable plan,"

Page 106, lines 19, 20, 31, and 32, delete "2011" and insert "2012"

Page 106, lines 21, 22, 33, and 34, delete "2012" and insert "2013"

Page 106, lines 23, 25, 35, and 37, delete "2013" and insert "2014"

Page 106, lines 26, 28, 38, and 40, delete "2014" and insert "2015"

Page 107, line 32, delete "2011" and insert "2012"

Page 108, after line 13, insert:

"EFFECTIVE DATE. This section is effective July 1, 2011."

Page 108, after line 29, insert:

"EFFECTIVE DATE. This section is effective July 1, 2011."

Page 209, after line 10, insert:

"Sec. 7. Minnesota Statutes 2008, section 471.61, subdivision 1, is amended to read:

Subdivision 1. **Officers, employees.** A county, municipal corporation, town, school district, county extension committee, other political subdivision or other body corporate and politic of this state, other than the state or any department of the state, through its governing body, and any two or more subdivisions acting jointly through their governing bodies, may insure or protect its or their officers and employees, and their dependents, or any class or classes of officers, employees, or dependents, under a policy or policies or contract or contracts of group insurance or benefits covering life, health, and accident, in the case of employees, and medical and surgical benefits and hospitalization insurance or benefits for both employees and dependents or dependents of an employee whose death was due to causes arising out of and in the course of employment, or any one or more of those forms of insurance or protection. A governmental unit, including county extension committees and those paying their employees, may pay all or any part of the premiums or charges on the insurance or protection. A payment is deemed to be additional compensation paid to the officers or employees, but for purposes of determining contributions or benefits under a public pension or retirement system it is not deemed to be additional compensation. One or more governmental units may determine that a person is an officer or employee if the person receives income from the governmental subdivisions without regard to the manner of election or appointment, including but not limited to employees of county historical societies that receive funding from the county and employees of the Minnesota Inter-county Association. The appropriate officer of the governmental unit, or those disbursing county extension funds, shall deduct from the salary or wages of each officer and employee who elects to become insured or so protected, on the officer's or employee's written order, all or part of the officer's or employee's share of premiums or charges and remit the share or portion to the insurer or company issuing the policy or contract.

A governmental unit, other than a school district, that pays all or part of the premiums or charges is authorized to levy and collect a tax, if necessary, in the next annual tax levy for the purpose of providing the necessary money for the payment of the premiums or charges, and the sums levied and appropriated are not, in the event the sum exceeds the maximum sum allowed by the charter of a municipal corporation, considered part of the cost of government of the governmental unit as defined in any levy or expenditure limitation; provided at least 50 percent of the cost of benefits on dependents must be contributed by the employee or be paid by levies within existing charter tax limitations.

The word "dependents" as used in this subdivision means spouse and minor unmarried children under the age of 18 years actually dependent upon the employee.

Notwithstanding any other law to the contrary, a political subdivision described in this subdivision may provide health benefits to its employees, dependents, and other eligible persons through negotiated contributions to self-funded multiemployer health and welfare funds.

EFFECTIVE DATE. This section is effective the day following final enactment; applies to contributions made before, on, or after that date; and is intended as a clarification of existing law.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 39, after "law;" insert "requiring a report;"

Amend the title numbers accordingly

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

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

S.F. No. 1797: A bill for an act relating to education; requiring the State Advisory Council on Early Childhood Education and Care to create an inventory of early childhood services; amending Minnesota Statutes 2008, section 124D.141, subdivision 3.

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

Page 1, delete section 1

Page 2, line 11, delete "should" and insert "may"

Page 2, after line 11, insert:

"Subd. 3. **Appropriation.** Any federal or private money received by the council for this purpose is appropriated to the council."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

Amend the title numbers accordingly

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

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

H.F. No. 925: A bill for an act relating to employment; regulating the dissemination and calculation of the state unemployment rate; amending Minnesota Statutes 2008, section 116J.401, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Page 4, after line 1, insert:

"Sec. 3. **USE OF FUNDS.**

Notwithstanding Minnesota Statutes, section 268.18, subdivision 2, up to \$120,000 of the funds collected for unemployment insurance administration under that subdivision must be used to implement section 116J.4011."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing the use of funds;"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 191 and 1797 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 925 was read the second time.

RECESS

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

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

APPOINTMENTS

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

S.F. No. 1331: Senators Sieben, Rest, Pappas, Higgins and Bonoff.

H.F. No. 2251: Senators Cohen, Clark, Berglin, Pappas and Frederickson.

H.F. No. 1760: Senators Lourey, Marty, Higgins, Prettner Solon and Fischbach.

S.F. No. 1503: Senators Torres Ray, Moua and Limmer.

S.F. No. 722: Senators Kelash, Moua and Ingebrigtsen.

S.F. No. 1012: Senators Anderson, Frederickson, Vickerman, Chaudhary and Pariseau.

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

MEMBERS EXCUSED

Senator Prettner Solon was excused from the Session of today. Senator Rummel was excused from the Session of today from 12:00 noon to 1:00 p.m. Senators Ortman and Senjem were excused from Session of today from 2:30 to 3:05 p.m. Senator Sheran was excused from the Session of today at 3:10 p.m. Senators Doll and Scheid were excused from the Session of today at 3:15 p.m. Senator Dille was excused from the Session of today at 3:20 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Friday, May 15, 2009. The motion prevailed.

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

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