

NINETY-NINTH DAY

St. Paul, Minnesota, Friday, May 7, 2010

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. Craig Richter.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 30, 2010

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. 2844, 2758, 2996, 1323 and 2873.

Sincerely,
Tim Pawlenty, Governor

April 30, 2010

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 2010 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 2010	Date Filed 2010
2844		282	2:17 p.m. April 30	April 30
2758		283	2:25 p.m. April 30	April 30
2996		285	2:26 p.m. April 30	April 30
1323		286	2:28 p.m. April 30	April 30
	2855	287	2:30 p.m. April 30	April 30
	1182	288	2:35 p.m. April 30	April 30
	1320	289	2:38 p.m. April 30	April 30
2873		290	2:41 p.m. April 30	April 30

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 File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2386: A bill for an act relating to state government; ratifying labor agreements and compensation plans.

Senate File No. 2386 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 5, 2010

CONCURRENCE AND REPASSAGE

Senator Metzen moved that the Senate concur in the amendments by the House to S.F. No. 2386 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2386 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 48 and nays 14, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fischbach	Hann	Koch	Ortman	Rosen
Gerlach	Ingebrigtsen	Limmer	Parry	Senjem
Gimse	Jungbauer	Michel	Robling	

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. 1886: A bill for an act relating to commerce; regulating contracts and insurance claims for residential roofing goods and services; proposing coding for new law in Minnesota Statutes, chapters 325E; 326B.

Senate File No. 1886 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

CONCURRENCE AND REPASSAGE

Senator Saltzman moved that the Senate concur in the amendments by the House to S.F. No. 1886 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1886 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 59 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ingebrigtsen	Jungbauer	Limmer
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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. 3080: A bill for an act relating to energy; modifying programs for reducing emissions at electric generating plants; amending Minnesota Statutes 2008, sections 216B.1692, subdivision 8; 216B.685, subdivision 4.

Senate File No. 3080 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

CONCURRENCE AND REPASSAGE

Senator Prettner Solon moved that the Senate concur in the amendments by the House to S.F. No. 3080 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3080: A bill for an act relating to energy; modifying programs for reducing emissions at electric generating plants; amending Minnesota Statutes 2008, sections 216B.1692, subdivision 8; 216B.6851, subdivisions 3, 5, 6.

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 57 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Berglin	Dibble	Limmer	Rummel
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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 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. 271: A bill for an act relating to state government; providing additional whistleblower protection to state employees; amending Minnesota Statutes 2008, section 181.932, subdivision 1.

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

Loeffler, Kahn and Cornish.

Senate File No. 271 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

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. 1905: A bill for an act relating to insurance; establishing a small group market working group; requiring a report.

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

Loeffler, Fritz and Davids.

Senate File No. 1905 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

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. 2505: A bill for an act relating to child care; appropriating money to provide statewide child care provider training, coaching, consultation, and supports to prepare for the voluntary Minnesota quality rating system.

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

Slawik, Peterson and Nornes.

Senate File No. 2505 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

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. 2510: A bill for an act relating to economic development; amending the definition of green economy to include the concept of green chemistry; creating a fast-action economic response team; expanding the Minnesota investment fund; removing a grant program restriction; expanding loan program to veteran-owned small businesses; creating the Minnesota Science and Technology Authority; providing for a comparative study of state laws affecting small business start-ups; modifying certain unemployment insurance administrative, benefit, and tax provisions; protecting customers from injuries resulting from use of inflatable play equipment; modifying labor and industry licensing and certain license fee provisions; modifying enforcement requirements of the State Building Code; modifying the requirements of the Manufactured Home Building Code; allowing expedited rulemaking; providing for licensing and regulation of individuals engaged in

mortgage loan origination or mortgage loan business; providing for licensing and regulation of appraisal management companies; providing for property acquisition from petroleum tank fund proceeds; clarifying requirements for granting additional cable franchises; regulating cadmium in children's jewelry; regulating the sale and termination of portable electronics insurance; authorizing amendments to a municipal comprehensive plan for affordable housing; amending Iron Range resources provisions; requiring certain reports; appropriating money; amending Minnesota Statutes 2008, sections 58.04, subdivision 1; 58.08, by adding a subdivision; 58.09; 58.10, subdivision 1; 58.11; 60K.36, subdivision 2; 60K.38, subdivision 1; 82B.05, subdivision 5, by adding a subdivision; 82B.06; 115C.08, subdivision 1; 116J.437, subdivision 1; 116J.8731, subdivisions 1, 4; 116J.996; 181.723, subdivision 5; 238.08, subdivision 1; 268.035, subdivision 20; 268.046, subdivision 1; 268.051, subdivisions 2, 5, 7; 268.07, as amended; 268.085, subdivision 9; 326B.106, subdivision 9; 326B.133, subdivisions 1, 3, 8, 11, by adding subdivisions; 326B.16; 326B.197; 326B.33, subdivisions 18, 20, 21; 326B.42, by adding subdivisions; 326B.44; 326B.46, as amended; 326B.47; 326B.475, subdivision 2; 326B.50, by adding subdivisions; 326B.54; 326B.55, as amended if enacted; 326B.56, as amended; 326B.805, subdivision 6; 326B.83, subdivisions 1, 3, 6; 326B.865; 326B.921, subdivisions 2, 4, 7; 326B.922; 326B.978, subdivision 2, by adding a subdivision; 327.31, subdivision 17, by adding subdivisions; 327.32, subdivision 1, by adding subdivisions; 327B.04, subdivision 2; 462.355, subdivision 3; Minnesota Statutes 2009 Supplement, sections 58.06, subdivision 2; 60K.55, subdivision 2; 82B.05, subdivision 1; 115C.08, subdivision 4; 116J.8731, subdivision 3; 116L.20, subdivision 1; 268.035, subdivision 19a; 268.052, subdivision 2; 268.053, subdivision 1; 268.085, subdivision 1; 268.136, subdivision 1; 326B.33, subdivision 19; 326B.475, subdivision 4; 326B.49, subdivision 1; 326B.58; 326B.815, subdivision 1; 326B.86, subdivision 1; 326B.94, subdivision 4; 326B.986, subdivision 5; 327B.04, subdivisions 7, 7a, 8; 327B.041; Laws 2009, chapter 78, article 1, section 3, subdivision 2; Laws 2010, chapter 216, section 58; proposing coding for new law in Minnesota Statutes, chapters 60K; 116J; 184B; 325E; 326B; proposing coding for new law as Minnesota Statutes, chapters 58A; 82C; 116W; repealing Minnesota Statutes 2008, sections 116J.657; 326B.133, subdivisions 9, 10; 326B.37, subdivision 13; 326B.475, subdivisions 5, 6; 326B.56, subdivision 3; 326B.885, subdivisions 3, 4; 326B.976; 327.32, subdivision 4; 327C.07, subdivisions 3, 3a, 8; Minnesota Statutes 2009 Supplement, sections 58.126; 326B.56, subdivision 4; Laws 2010, chapter 215, article 9, section 3; Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, 4; 1350.7200, subpart 3; 1350.8000, subpart 2.

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

Obermueller, Rukavina, Mahoney, Haws and Gunther.

Senate File No. 2510 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

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. 2540: A bill for an act relating to transportation; modifying or adding provisions relating to truck insurance, school bus transportation, transportation construction impacts on business, rest areas, highways, bridges, transportation contracts, variances from rules and engineering standards for local streets and highways, the state park road account, tax-exempt vehicles, license plates, deputy registrars, vehicles and drivers, impounds, towing, pedestrians, intersection gridlock, bus and type III vehicle operation, various traffic regulations, cargo tank vehicle weight exemptions, drivers' licenses, transportation department goals and mission, the Disadvantaged Business Enterprise Collaborative, a Minnesota Council of Transportation Access, complete streets, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers, allocation of traffic fines, airport authorities, property acquisition for highways, transit, town road interest extinguishment nullification, Northstar commuter rail, and roundabouts design; providing for State Patrol tax compliance and vehicle crimes investigations; providing for issuance and sale of trunk highway bonds; requiring reports; making technical and clarifying changes; appropriating money; amending Minnesota Statutes 2008, sections 65B.43, subdivision 2; 161.14, by adding subdivisions; 161.3426, subdivision 3, by adding a subdivision; 162.02, subdivision 3a; 162.09, subdivision 3a; 165.14, subdivisions 4, 5; 168.12, subdivisions 2a, 2b, by adding a subdivision; 168.123, subdivisions 1, 2; 168.1255, subdivision 1; 168.1291, subdivisions 1, 2; 168.33, subdivision 2; 168B.04, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.09, subdivision 5a; 169.15; 169.26, by adding a subdivision; 169.306; 169.79, subdivision 3; 169.87, by adding a subdivision; 169.92, subdivision 4; 171.321, subdivision 2; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 221.0252, subdivision 7; 221.036, subdivisions 1, 3; 221.221, subdivision 3; 221.251, subdivision 1; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 123B.92, subdivision 1; 160.165; 161.14, subdivision 62; 162.06, subdivision 5; 168.012, subdivision 1; 168.12, subdivision 5; 169.71, subdivision 1; 169.865, subdivision 1; 171.02, subdivision 2b; 174.66; 221.026, subdivision 2; 221.031, subdivision 1; 221.122, subdivision 1; 299D.03, subdivision 5; Laws 2008, chapter 287, article 1, section 122; Laws 2009, chapter 36, article 1, sections 1, 3, subdivisions 1, 2, 3, 5, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 174; 221; 383D; repealing Minnesota Statutes 2008, sections 169.041, subdivisions 3, 4; 221.161, subdivisions 2, 3; 221.291, subdivision 5; Minnesota Statutes 2009 Supplement, sections 221.161, subdivisions 1, 4; 221.171; Minnesota Rules, parts 7805.0300; 7805.0400.

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

Hornstein, Hortman, Morrow, Lieder and Urdahl.

Senate File No. 2540 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

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. 2695: A bill for an act relating to health; modifying mandatory reporting requirements related to pregnant women; amending Minnesota Statutes 2008, section 626.5561, subdivision 1.

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

Ruud, Hilstrom and Abeler.

Senate File No. 2695 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

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

S.F. No. 915: A bill for an act relating to insurance; requiring school districts to obtain employee health coverage through the public employees insurance program; appropriating money; amending Minnesota Statutes 2008, sections 43A.316, subdivisions 9, 10, by adding subdivisions; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; 297I.15, subdivision 3.

Senate File No. 915 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3106:

H.F. No. 3106: A bill for an act relating to public safety; amending first-degree driving while impaired crime to include prior felony convictions from other states; modifying implied consent, driving while impaired, and ignition interlock provisions; amending Minnesota Statutes 2008, sections 169A.24, subdivision 1; 169A.52, subdivisions 3, 4; 169A.54, subdivisions 2, 5; 169A.55, by adding a subdivision; 169A.60, subdivision 1; 171.09; 171.30, subdivisions 1, 2a, 4; 171.306, as amended; 609.131, subdivision 2; Minnesota Statutes 2009 Supplement, sections 169A.275, subdivision 7; 169A.54, subdivision 1; repealing Minnesota Statutes 2008, sections 169A.54, subdivision 11; 169A.55, subdivision 1; 171.30, subdivision 2c; 171.305, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11.

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

Bigham, Hilstrom, Norton, Cornish and Drazkowski have been appointed as such committee on the part of the House.

House File No. 3106 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 6, 2010

Senator Murphy moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3106, 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 Files, herewith transmitted: H.F. Nos. 3033 and 3790.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 6, 2010

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 3033: A bill for an act relating to energy; modifying fee for storage of spent nuclear fuel; establishing rebate program for solar photovoltaic modules; appropriating money; amending Minnesota Statutes 2008, section 116C.779, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116C.

Referred to the Committee on Finance.

H.F. No. 3790: A bill for an act relating to state government; appropriating money from constitutionally dedicated funds and providing for expenditure accountability, administration, and governance of outdoor heritage, clean water, parks and trails, and arts and cultural heritage purposes; establishing and modifying grants, programs, fees, and accounts; requiring reports; amending Minnesota Statutes 2008, sections 3.971, by adding a subdivision; 97A.056, by adding subdivisions; Minnesota Statutes 2009 Supplement, sections 85.53, subdivision 2; 114D.50, subdivision 4; 129D.17, subdivision 2; Laws 2009, chapter 172, article 2, section 4; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 2009 Supplement, sections 3.3006; 84.02, subdivisions 4a, 6a, 6b; Laws 2009, chapter 172, article 5, section 9.

Senator Pogemiller moved that H.F. No. 3790 be laid on the table. The motion prevailed.

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. 2116 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.
2116	1701				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2116 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2116, the first engrossment; and insert the language after the enacting clause of S.F. No. 1701, the first engrossment; further, delete the title of H.F. No. 2116, the first engrossment; and insert the title of S.F. No. 1701, the first engrossment.

And when so amended H.F. No. 2116 will be identical to S.F. No. 1701, and further recommends that H.F. No. 2116 be given its second reading and substituted for S.F. No. 1701, 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. 890 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.
890	436				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 890 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 890, the second engrossment; and insert the language after the enacting clause of S.F. No. 436, the first engrossment; further, delete the title of H.F. No. 890, the second engrossment; and insert the title of S.F. No. 436, the first engrossment.

And when so amended H.F. No. 890 will be identical to S.F. No. 436, and further recommends that H.F. No. 890 be given its second reading and substituted for S.F. No. 436, 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. 3660 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.
				3660	3246

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.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2116, 890 and 3660 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Frederickson and Murphy introduced—

S.F. No. 3407: A bill for an act relating to employment; modifying prevailing hours of labor requirements; amending Minnesota Statutes 2008, section 177.42, subdivision 4.

Referred to the Committee on Business, Industry and Jobs.

Senators Saxhaug, Olseen, Saltzman, Chaudhary and Ingebrigtsen introduced—

S.F. No. 3408: A bill for an act relating to natural resources; establishing a Minnesota-Wisconsin Boundary Area Invasive Species Commission; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84D.

Referred to the Committee on Environment and Natural Resources.

Senator Cohen introduced—

S.F. No. 3409: A bill for an act relating to state government; requiring the commissioner of Minnesota Management and Budget to provide a cash flow forecast to the governor and legislature; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Finance.

Senators Scheid and Ingebrigtsen introduced—

S.F. No. 3410: A bill for an act relating to alcohol; allowing a special liquor license for the Theatre L'Homme Dieu.

Referred to the Committee on Commerce and Consumer Protection.

Senator Cohen introduced—

S.F. No. 3411: A bill for an act relating to human services; making contingent appropriations; amending Minnesota Statutes 2008, sections 254B.03, by adding a subdivision; 256B.0625, subdivision 22; 256B.19, subdivision 1c; 256L.15, subdivision 1; Minnesota Statutes 2009 Supplement, section 256B.0911, subdivision 1a; Laws 2005, First Special Session chapter 4, article 8, section 66, as amended; Laws 2009, chapter 79, article 5, sections 17; 18; 22; article 8, section 2; Laws 2009, chapter 173, article 1, section 17.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Metzen moved that his name be stricken as a co-author to S.F. No. 3175. The motion prevailed.

Senators Wiger and Vandever introduced –

Senate Resolution No. 192: A Senate resolution honoring the memory of Sergeant Joseph Bergeron.

Referred to the Committee on Rules and Administration.

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. 1537: A bill for an act relating to energy; requiring a certificate of need for certain transmission lines.

Senate File No. 1537 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

Senator Berglin moved that the Senate do not concur in the amendments by the House to S.F. No. 1537, 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Scheid moved that S.F. No. 1761 be taken from the table. The motion prevailed.

S.F. No. 1761: A bill for an act relating to insurance; requiring health plans to limit out-of-pocket costs for oral anticancer medication; proposing coding for new law in Minnesota Statutes, chapter 62A.

CONCURRENCE AND REPASSAGE

Senator Scheid moved that the Senate concur in the amendments by the House to S.F. No. 1761 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1761: A bill for an act relating to insurance; requiring health plans to establish equal out-of-pocket requirements for oral chemotherapy medications and intravenously administered chemotherapy medications; proposing coding for new law in Minnesota Statutes, chapter 62A.

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 59 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach	Hann	Jungbauer	Ortman	Vandev eer
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So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2755 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2755

A bill for an act relating to public safety; clarifying detention placement options for extended jurisdiction juveniles pending revocation hearings; amending Minnesota Statutes 2008, section 260B.130, subdivision 5.

May 4, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2755 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: Ron Latz, Mee Moua, David Hann

House Conferees: Joe Mullery, Dave Olin

Senator Latz moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2755 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2755 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

RECESS

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

motion prevailed.

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

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 General Orders Calendar. The motion prevailed.

GENERAL ORDERS

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

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

S.F. No. 3318, which the committee recommends to pass.

S.F. No. 2725, which the committee recommends to pass, subject to the following motions:

Senator Moua moved to amend S.F. No. 2725 as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 13.871, is amended by adding a subdivision to read:

Subd. 6a. **Gang databases.** Section 626.8442 governs the maintenance and administration of criminal gang databases and the classification of certain data in databases."

Page 4, line 32, delete "and"

Page 5, line 5, delete the period and insert "; and"

Page 5, after line 5, insert:

"(10) subject to approval by the commissioner of public safety, develop and update a statewide policy and procedure for criminal gang databases under section 626.8442, including protocols for collecting, entering, and removing data."

Page 9, after line 17, insert:

"Sec. 7. **[626.8442] CRIMINAL GANG DATABASES.**

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

(1) "criminal investigative data" means data described in section 13.82, subdivision 7; and

(2) "law enforcement agency" has the meaning given in section 626.84, subdivision 1, paragraph (f).

Subd. 2. **General requirements.** Except as provided in section 299C.091, a law enforcement agency may maintain and administer a computerized database that consists of data on individuals relating to gang activity and gang membership only as provided in this subdivision and consistent with the statewide policy and procedure developed under section 299A.641, subdivision 3, clause (10). The database may be used only for the purpose of investigating or prosecuting criminal gang activity or obtaining and maintaining the documentation required under section 299C.091, subdivision 2, and must be comprised solely of:

(1) criminal investigative data of the law enforcement agency that maintains the database; or

(2) criminal investigative data obtained from other law enforcement agencies on an individual record inquiry basis.

This subdivision does not prohibit the collection, maintenance, or release of data on an individual record basis.

Subd. 3. **Audits; removal of data.** A law enforcement agency that maintains a criminal gang investigative database under this subdivision shall conduct periodic random audits of the data to determine the validity, completeness, and accuracy of the data. Notwithstanding section 138.17, a law enforcement agency shall destroy data on an individual entered into the database when three years have elapsed since the last entry of data on the individual into the database, unless the data document the inclusion of the individual in the criminal gang investigative data system under section 299C.091.

Subd. 4. **Data classification.** Notwithstanding section 13.82, subdivision 7, inactive criminal investigative data in a database under this section are private data on individuals.

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

Page 9, line 28, before the period, insert ", including the individualized criteria for inclusion in a computerized gang database"

Page 9, line 30, before "oversight" insert "disproportionate minority impact,"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Ortman moved to amend the Moua amendment to S.F. No. 2725 as follows:

Page 1, line 2, delete "section 1" and insert "subdivision 30"

Page 1, delete lines 3 to 34

Page 2, line 1, delete "3" and insert "30"

Page 2, line 2, delete "subdivision" and insert "section"

Page 2, delete lines 8 to 10

Page 2, after line 13, insert:

"Page 9, line 31, before the period, insert "and shall consider the provisions of Code of Federal Regulations, title 28, part 23"

The question was taken on the adoption of the Ortman amendment to the Moua amendment.

The roll was called, and there were yeas 39 and nays 22, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Langseth	Ortman	Skoe
Carlson	Gimse	Latz	Pariseau	Skogen
Clark	Hann	Limmer	Parry	Sparks
Dahle	Ingebrigtsen	Lynch	Robling	Stumpf
Doll	Johnson	Metzen	Rosen	Vandever
Erickson Ropes	Jungbauer	Olseen	Saltzman	Vickerman
Fischbach	Koch	Olson, G.	Senjem	Wiger
Fobbe	Koering	Olson, M.	Sheran	

Those who voted in the negative were:

Anderson	Cohen	Kubly	Pogemiller	Tomassoni
Berglin	Dibble	Lourey	Prettner Solon	Torres Ray
Betzold	Foley	Moua	Rummel	
Bonoff	Higgins	Murphy	Saxhaug	
Chaudhary	Kelash	Pappas	Scheid	

The motion prevailed. So the amendment to the amendment was adopted.

Senator Moua withdrew her amendment.

Senator Ingebrigtsen moved to amend S.F. No. 2725 as follows:

Page 1, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 43 and nays 18, as follows:

Those who voted in the affirmative were:

Bakk	Fischbach	Koering	Olson, M.	Sheran
Bonoff	Fobbe	Kubly	Ortman	Skoe
Carlson	Gerlach	Langseth	Pariseau	Skogen
Chaudhary	Gimse	Latz	Parry	Sparks
Clark	Hann	Limmer	Robling	Stumpf
Dahle	Ingebrigtsen	Lynch	Rosen	Vandever
Dille	Johnson	Metzen	Saltzman	Wiger
Doll	Jungbauer	Olseen	Saxhaug	
Erickson Ropes	Koch	Olson, G.	Senjem	

Those who voted in the negative were:

Anderson	Foley	Moua	Rummel	Torres Ray
Betzold	Higgins	Pappas	Scheid	Vickerman
Cohen	Kelash	Pogemiller	Sieben	
Dibble	Lourey	Prettner Solon	Tomassoni	

The motion prevailed. So the amendment was adopted.

Senator Moua moved to amend S.F. No. 2725 as follows:

Page 7, after line 29, insert:

"Sec. 4. Minnesota Statutes 2008, section 299C.091, subdivision 4, is amended to read:

Subd. 4. Audit of data submitted to system; reports. (a) At least once every two years, the bureau shall conduct periodic random audits of data under subdivision 2 that documents inclusion of an individual in, and removal of an individual from, the criminal gang investigative data system for the purpose of determining the validity, completeness, and accuracy of data submitted to the system. The bureau has access to the documenting data for purposes of conducting an audit. By October 1 of each year, the bureau shall submit a report on the results of the audits to the commissioner of public safety.

(b) If any audit requirements under federal rule or statute overlap with requirements in paragraph (a), the audit required by paragraph (a) may be done in conjunction with the federal audit to the extent they overlap. Nothing in this paragraph shall be construed to eliminate any audit requirements specified in this subdivision."

Page 9, after line 6, insert:

"Sec. 7. **[626.8442] CRIMINAL GANG INVESTIGATIVE AND EVIDENCE DATABASES.**

Subdivision 1. Duties of agencies. A law enforcement agency that administers and maintains a computerized database for the purposes of identifying gang members and investigating and prosecuting criminal activity by gang members shall:

(1) destroy data entered into the database when five years have elapsed since the data were entered into the system; and

(2) promptly notify a parent or legal guardian, if known, of an individual under the age of 18 who is included in the database, except in active or ongoing criminal investigations or in cases where notice may threaten an individual's personal safety. If the agency does not send notice as prescribed in this clause, the agency shall cause a written report to be made in the database record stating the agency's reasonable belief that an exception exists.

Subd. 2. Report by agencies; parental notification. (a) By July 1, 2011, any law enforcement agency that is subject to subdivision 1 shall file a report with the Bureau of Criminal Apprehension that includes the following information:

(1) a description of the agency's parental notification process;

(2) the number of notifications that were sent by the agency;

(3) the number of notifications that were not sent by the agency because an exception existed or because the agency could not locate a parent or legal guardian; and

(4) any feedback on the parental notification process from recipients of the notices, community members, or peace officers.

(b) The Bureau of Criminal Apprehension shall review, analyze, and summarize the information

collected from law enforcement agencies on the parental notification process under paragraph (a). By December 1, 2011, the bureau shall file a report with the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding that provides the following:

- (1) a summary of the information collected from all of the law enforcement agencies; and
- (2) any recommendations for legislation or policies based on its review and analysis of the information.

Subd. 3. **Working group.** By September 1, 2010, the chairs and ranking minority members of the house Public Safety Finance Division and Public Safety Policy and Oversight Committee and the chairs and ranking minority members of the senate Judiciary Committee and Public Safety Budget Division shall jointly appoint a working group to study and develop legislation to govern the usage and maintenance of databases identified in subdivision 1. As part of its study, the working group shall identify and review federal, state, and local laws and regulations that apply to similar databases maintained by the federal government or other states or local governments."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Moua moved to amend the second Moua amendment to S.F. No. 2725 as follows:

Page 2, delete subdivision 3

The motion prevailed. So the amendment to the amendment was adopted.

Senator Latz moved to amend the second Moua amendment to S.F. No. 2725 as follows:

Page 1, line 22, delete "data were entered" and insert "last entry of data on the individual"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the second Moua amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Clark moved to amend S.F. No. 2725 as follows:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 2008, section 13.82, is amended by adding a subdivision to read:

Subd. 30. **Gang criteria.** (a) For purposes of this subdivision, "gang criteria" are those developed by the Violent Crime Oversight Council as required by section 299A.641, subdivision 3.

(b) Data that document gang criteria about an individual are classified as private data on individuals.

(c) While a law enforcement agency has an active criminal investigation as defined in subdivision 7, data that document gang criteria about an individual are classified as confidential data on individuals.

(d) Data about an individual classified under this subdivision may be shared as provided under

subdivision 24."

Page 9, line 31, after "data" insert ", including the individualized criteria for inclusion in a computerized gang database"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Moua moved to amend S.F. No. 2725 as follows:

Page 9, after line 6, insert:

"Sec. 6. **[626.8442] CRIMINAL GANG DATABASES.**

If a law enforcement agency administers and maintains a computerized database for the purpose of identifying gang members or investigating and prosecuting criminal activity by gang members, the database may contain only data on individuals who have met at least three of the criteria or identifying characteristics of gang membership developed by the Violent Crime Oversight Council under section 299A.641, subdivision 3, clause (9).

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Lynch	Pogemiller	Sheran
Betzold	Higgins	Moua	Prettner Solon	Sieben
Bonoff	Kelash	Murphy	Rummel	Tomassoni
Cohen	Latz	Pappas	Scheid	Torres Ray

Those who voted in the negative were:

Bakk	Fischbach	Koch	Olson, M.	Senjem
Carlson	Fobbe	Koering	Ortman	Skoe
Chaudhary	Gerlach	Kubly	Pariseau	Skogen
Clark	Gimse	Langseth	Parry	Sparks
Dahle	Hann	Limmer	Robling	Stumpf
Dille	Ingebrigtsen	Metzen	Rosen	Vanderveer
Doll	Johnson	Olseen	Saltzman	Vickerman
Erickson Ropes	Jungbauer	Olson, G.	Saxhaug	Wiger

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

Senator Ortman moved to amend S.F. No. 2725 as follows:

Page 3, line 30, reinstate the stricken language and strike "(15)" and insert "(12)"

Page 3, lines 31 to 32, reinstate the stricken language

Page 3, line 33, reinstate the stricken language and strike "(16)" and insert "(13)"

Page 3, line 34, reinstate the stricken language

Page 3, line 36, reinstate the stricken "The legislative members of the"

Page 4, line 1, reinstate the stricken language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 46 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Fobbe	Langseth	Pariseau	Skoe
Bonoff	Gerlach	Limmer	Parry	Skogen
Carlson	Gimse	Lynch	Robling	Torres Ray
Clark	Hann	Metzen	Rosen	Vandever
Dahle	Ingebrigtsen	Moua	Rummel	Vickerman
Dibble	Johnson	Murphy	Saltzman	Wiger
Dille	Jungbauer	Olseen	Saxhaug	
Doll	Koch	Olson, G.	Scheid	
Erickson Ropes	Koering	Olson, M.	Senjem	
Fischbach	Kubly	Ortman	Sheran	

Those who voted in the negative were:

Betzold	Higgins	Pappas	Prettner Solon
Chaudhary	Latz	Pogemiller	

The motion prevailed. So the amendment was adopted.

Senator Ortman moved to amend S.F. No. 2725 as follows:

Page 3, line 23, reinstate the stricken language and strike "(10)" and insert "(11)"

Page 3, line 24, reinstate the stricken language and strike "(11)" and insert "(12)"

Page 3, line 25, reinstate the stricken language

Page 3, line 26, reinstate the stricken language and strike "(12)" and insert "(13)"

Page 3, line 27, delete "(11)" and insert "(14)"

Page 3, line 28, reinstate the stricken semicolon

The motion prevailed. So the amendment was adopted.

Senator Moua moved to amend S.F. No. 2725 as follows:

Page 9, line 7, delete "ACQUISITION AND"

Page 9, delete lines 9 to 11

Page 9, line 12, delete "(b)"

Page 9, delete lines 16 and 17

The motion prevailed. So the amendment was adopted.

S.F. No. 2725 was then recommended to pass.

S.F. No. 3327, which the committee recommends to pass, subject to the following motions:

Senator Bakk moved to amend S.F. No. 3327 as follows:

Page 5, delete section 4

Page 30, line 29, after "percent" insert "of the amounts"

Page 30, line 35, after "account" insert "in the special revenue fund"

Page 31, line 6, delete "this department" and insert "the Department of Human Services"

Page 31, line 23, after "percent" insert "of the amounts"

Page 31, line 28, after "account" insert "in the special revenue fund"

Page 32, line 2, delete "this department" and insert "the Department of Human Services"

Page 32, lines 19 to 24, reinstate the stricken language and delete the new language

Page 33, line 29, delete "The change in paragraph (3) is effective the day following"

Page 33, delete lines 30 and 31

Page 33, line 32, delete "2009."

Page 33, delete section 24 and insert:

"Sec. 23. Laws 2010, chapter 216, section 2, subdivision 3, is amended to read:

Subd. 3. **Certification of qualified investors.** (a) Investors may apply to the commissioner for certification as a qualified investor for a taxable year. The application must be in the form and be made under the procedures specified by the commissioner, accompanied by an application fee of \$350. Application fees are deposited in the small business investment tax credit administration account in the special revenue fund. The application for certification for 2010 must be made available on the department's Web site by August 1, 2010. Applications for subsequent years' certification must be made available on the department's Web site by November 1 of the preceding year.

(b) Within 30 days of receiving an application for certification under this subdivision, the commissioner must either certify the investor as satisfying the conditions required of a qualified investor, request additional information from the investor, or reject the application for certification. If the commissioner requests additional information from the investor, the commissioner must either certify the investor or reject the application within 30 days of receiving the additional information. If the commissioner neither certifies the investor nor rejects the application within 30 days of receiving the original application or within 30 days of receiving the additional information requested, whichever is later, then the application is deemed rejected, and the commissioner must refund the \$350 application fee. An investor who applies for certification and is rejected may reapply.

(c) To receive certification, an investor must: (1) be a natural person; and (2) certify to the commissioner that the investor will only invest in a transaction that is exempt under section 80A.46, clause (13) or (14), or in a security registered under section 80A.50, paragraph (b).

(d) In order for a qualified investment in a qualified small business to be eligible for tax credits, a qualified investor who makes the investment must have applied for and received certification for the calendar year prior to making the qualified investment, except in the case of an investor who is not an accredited investor, within the meaning of Regulation D of the Securities and Exchange Commission, Code of Federal Regulations, title 17, section 230.501, paragraph (a), application for certification may be made within 30 days after making the qualified investment."

Page 42, after line 32, insert:

"Sec. 7. Minnesota Statutes 2008, section 297A.68, subdivision 4, is amended to read:

Subd. 4. **Taconite Minerals production materials.** Mill liners, grinding rods, and grinding balls that are substantially consumed in the production of taconite minerals are exempt when sold to or stored, used, or consumed by persons taxed under the in-lieu or net proceeds provisions of chapter 298."

Page 49, line 15, strike "and (14)" and insert "(14), and (16)"

Page 49, line 17, delete "(15), and (16)" and insert "and (15)"

Page 153, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kubly moved to amend S.F. No. 3327 as follows:

Page 153, after line 22, insert:

"Sec. 4. **FORT RIDGLEY OFFICE BUILDING.**

The Department of Natural Resources is prohibited from constructing or relocating an office building with the confines of Fort Ridgley until July 1, 2012."

Senator Hann questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Senator Sheran appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Committee?"

The roll was called, and there were yeas 47 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Hann	Limmer	Parry
Bakk	Dibble	Ingebrigtsen	Moua	Pogemiller
Betzold	Dille	Johnson	Murphy	Prettner Solon
Bonoff	Doll	Jungbauer	Olson, G.	Robling
Carlson	Fischbach	Koch	Olson, M.	Rosen
Chaudhary	Fobbe	Koering	Ortman	Saltzman
Clark	Gerlach	Langseth	Pappas	Saxhaug
Cohen	Gimse	Latz	Pariseau	Scheid

Senjem
Skoe

Stumpf
Torres Ray

Vandevier
Vickerman

Wiger

Those who voted in the negative were:

Erickson Ropes

Kubly

Olseen

Sheran

Skogen

So the decision of the Chair was sustained.

Senator Koch moved to amend S.F. No. 3327 as follows:

Page 81, after line 25, insert:

"Sec. 15. Minnesota Statutes 2009 Supplement, section 273.111, subdivision 3, is amended to read:

Subd. 3. Requirements. (a) Real estate consisting of ten acres or more or a nursery or greenhouse, and qualifying for classification as class 1b, 2a, or 2b under section 273.13, shall be entitled to valuation and tax deferral under this section only if it is primarily devoted to agricultural use, and meets the qualifications in subdivision 6, and either:

(1) is the homestead of the owner, or of a surviving spouse, child, or sibling of the owner or is real estate which is farmed with the real estate which contains the homestead property; or

(2) has been in possession of the applicant, the applicant's spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of this section, or is real estate which is farmed with the real estate which qualifies under this clause and is within four townships or cities or combination thereof from the qualifying real estate; or

(3) is the homestead of an individual who is part of an entity described in paragraph (b), clause (1), (2), or (3); or

(4) is in the possession of a nursery or greenhouse or an entity owned by a proprietor, partnership, or corporation which also owns the nursery or greenhouse operations on the parcel or parcels, provided that only the acres used to produce nursery stock qualify for treatment under this section.

(b) Valuation of real estate under this section is limited to parcels owned by individuals except for:

(1) a family farm entity or authorized farm entity regulated under section 500.24;

(2) an entity, not regulated under section 500.24, in which the majority of the members, partners, or shareholders are related and at least one of the members, partners, or shareholders either resides on the land or actively operates the land; and

(3) corporations that derive 80 percent or more of their gross receipts from the wholesale or retail sale of horticultural or nursery stock.

The terms in this paragraph have the meanings given in section 500.24, where applicable.

(c) Land that previously qualified for tax deferral under this section and no longer qualifies because it is not primarily used for agricultural purposes but would otherwise qualify under ~~Minnesota Statutes 2006, section 273.111, subdivision~~ subdivisions 3 and 6, for a period of at least

three years will not be required to make payment of the previously deferred taxes, notwithstanding the provisions of subdivision 9. Sale of the land prior to the expiration of the three-year period requires payment of deferred taxes as follows: sale in the year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of deferred taxes for the two prior years; sale during the second year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of the deferred taxes for the prior year; and sale during the third year the land no longer qualifies requires payment of the current year's deferred taxes. Deferred taxes shall be paid even if the land qualifies pursuant to subdivision 11a. When such property is sold or no longer qualifies under this paragraph, or at the end of the three-year period, whichever comes first, all deferred special assessments plus interest are payable in equal installments spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the assessments were levied. If the bonds have matured, the deferred special assessments plus interest are payable within 90 days. The provisions of section 429.061, subdivision 2, apply to the collection of these installments. Penalties are not imposed on any such special assessments if timely paid.

(d) Land that is enrolled in the reinvest in Minnesota program under sections 103F.501 to 103F.535, the federal Conservation Reserve Program as contained in Public Law 99-198, or a similar state or federal conservation program qualifies for valuation and assessment deferral under this section if it was in agricultural use before enrollment ~~and, provided that, in the case of land enrolled in the reinvest in Minnesota program, it is not subject to a perpetual easement.~~

EFFECTIVE DATE. This section is effective for assessment year 2010 and thereafter, for taxes payable in 2011 and thereafter."

Page 83, after line 9, insert:

"Sec. 18. Minnesota Statutes 2009 Supplement, section 273.111, subdivision 11a, is amended to read:

Subd. 11a. **Continuation of tax treatment upon sale or other event.** (a) When real property qualifying under ~~subdivision~~ subdivisions 3 and 6 is sold or transferred, no additional taxes or deferred special assessments plus interest shall be extended against the property provided the property continues to qualify pursuant to ~~subdivision~~ subdivisions 3 and 6, and provided the new owner files an application for continued deferment within 30 days after the sale or transfer.

For purposes of meeting the income requirements of subdivision 6, the property purchased shall be considered in conjunction with other qualifying property owned by the purchaser.

(b) The following transfers do not constitute a change of ownership of property qualifying under subdivision 3:

(1) death of a property owner when a surviving owner retains ownership of the property thereafter;

(2) divorce of a married couple when one of the spouses retains ownership of the property thereafter;

(3) marriage of a single property owner when that owner retains ownership of the property in whole or in part thereafter;

(4) organization into or reorganization of a farm entity ownership under section 500.24, if all owners maintain the same beneficial interest both before and after the organizational changes; and

(5) placement of the property in trust provided that the individual owners of the property are the grantors of the trust and they maintain the same beneficial interest both before and after placement of the property in trust.

EFFECTIVE DATE. This section is effective for assessment year 2010 and thereafter, for taxes payable in 2011 and thereafter."

Page 92, line 20, strike everything after "(a)"

Page 92, line 21, strike "land" and insert "Class 2a property is agricultural land, including any improvements" and strike "is" and insert "are" and strike everything after "homesteaded"

Page 92, line 22, strike everything before the period

Page 92, line 30, strike everything after "(b)"

Page 92, strike lines 31 to 35

Page 93, strike lines 1 to 5

Page 93, delete lines 6 to 15 and insert:

~~"(e) Class 2b rural vacant land consists of parcels of property, or portions thereof, that are unplatted property is (1) real estate, rural in character and not used for agricultural purposes, including land used exclusively for growing trees for timber, lumber, and wood and wood products; (2) real estate that is not improved with a structure and is used exclusively for growing trees for timber, lumber, and wood and wood products, if the owner has participated or is participating in a cost-sharing program for afforestation, reforestation, or timber stand improvement on that particular property, administered or coordinated by the commissioner of natural resources; or (3) real estate that is nonhomestead agricultural land. The presence of a minor, ancillary nonresidential structure as defined by the commissioner of revenue does not disqualify the property from classification under this paragraph. Any parcel of 20 acres or more improved with a structure that is not a minor, ancillary nonresidential structure must be split classified, and ten acres must be assigned to the split parcel containing the structure. Class 2b property has a net class rate of one percent of market value unless it is part of an agricultural homestead under paragraph (a), or qualifies as class 2c under paragraph (d) (c)."~~

Page 94, delete lines 7 and 8 and insert "Contiguous acreage on the same parcel, or contiguous acreage on an immediately adjacent parcel under the same ownership, may also qualify as agricultural land, but only if it is pasture, timber, waste, unusable wild land, or land included in state or federal farm programs. Agricultural classification for property shall be determined excluding the house, garage, and immediately surrounding one acre of land, and shall not be based upon the market value of any residential structures on the parcel or contiguous parcels under the same ownership."

Page 97, line 17, strike "definitions" and insert "definition" and strike "paragraphs (c) and (d) are"

Page 97, line 18, strike "not rules and are" and insert "paragraph (c) is not a rule and is"

Page 118, after line 32, insert:

"Sec. 41. **LAND REMOVED FROM PROGRAM.**

(a) Any land that had been enrolled in the Minnesota Agricultural Property Tax Law under Minnesota Statutes 2006, section 273.111, and that was removed from the program between May 21, 2008, and the effective date of this section, must be reinstated to the program at the request of the owner provided that the eligibility requirements under Minnesota Statutes 2006, section 273.111, subdivisions 3 and 6, are met.

(b) If additional taxes have been paid by a property owner prior to the effective date of this section with respect to property described in paragraph (a), as a result of the property being removed from the program authorized under Minnesota Statutes 2006, section 273.111, the county must repay the property owner in the manner prescribed by the commissioner of revenue.

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

Sec. 42. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall correct internal cross-references to sections that are affected by the relettering in section 22.

Sec. 43. **REPEALER.**

(a) Minnesota Statutes 2008, section 273.111, subdivisions 8 and 11, are repealed, and Minnesota Statutes 2006, section 273.111, subdivisions 8 and 11, are reenacted.

(b) Minnesota Statutes 2008, section 273.1384, subdivision 2, is repealed, and Minnesota Statutes 2006, section 273.1384, subdivision 2, is reenacted.

(c) Minnesota Statutes 2009 Supplement, section 273.111, subdivision 4, is repealed, and Minnesota Statutes 2006, section 273.111, subdivision 4, is reenacted.

(d) Minnesota Statutes 2009 Supplement, section 273.111, subdivision 9, is repealed, and Minnesota Statutes 2006, section 273.111, subdivision 9, is reenacted.

(e) Minnesota Statutes 2009 Supplement, sections 273.1108; 273.111, subdivision 3a; and 273.114, are repealed.

(f) Laws 2008, chapter 366, article 6, section 52, paragraph (c), is repealed, and pursuant to Minnesota Statutes, section 645.36, Minnesota Statutes 2006, section 273.111, subdivision 6, is revived.

EFFECTIVE DATE. Paragraphs (a) to (e) are effective for assessment year 2010 and thereafter, for taxes payable in 2011 and thereafter. Paragraph (f) is effective the day following final enactment."

Relletter the paragraphs in sequence

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 30, as follows:

Those who voted in the affirmative were:

Chaudhary	Fobbe	Jungbauer	Olson, M.	Scheid
Clark	Gerlach	Koch	Ortman	Senjem
Dahle	Gimse	Koering	Pariseau	Vandever
Dille	Hann	Limmer	Parry	
Erickson Ropes	Ingebrigtsen	Olseen	Robling	
Fischbach	Johnson	Olson, G.	Rosen	

Those who voted in the negative were:

Anderson	Dibble	Latz	Prettner Solon	Sparks
Bakk	Doll	Lynch	Saltzman	Stumpf
Betzold	Higgins	Metzen	Saxhaug	Tomassoni
Bonoff	Kelash	Murphy	Sieben	Torres Ray
Carlson	Kubly	Pappas	Skoe	Vickerman
Cohen	Langseth	Pogemiller	Skogen	Wiger

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

Senator Olseen moved to amend S.F. No. 3327 as follows:

Page 84, line 4, strike everything after "(3)"

Page 84, line 5, strike "(4)"

Page 84, line 6, delete "(5)" and insert "(4)"

Page 84, after line 9, insert:

"Sec. 19. Minnesota Statutes 2009 Supplement, section 273.114, subdivision 5, is amended to read:

Subd. 5. **Application and covenant agreement.** ~~(a)~~ Application for deferment of taxes and assessment under this section shall be filed by May 1 of the year prior to the year in which the taxes are payable. Any application filed under this subdivision and granted shall continue in effect for subsequent years until the ~~termination of the covenant agreement under paragraph (b)~~ property no longer qualifies. The application must be filed with the assessor of the taxing district in which the real property is located on the form prescribed by the commissioner of revenue. The assessor may require proof by affidavit or otherwise that the property qualifies under subdivision 2.

~~(b) The owner of the property must sign a covenant agreement that is filed with the county recorder and recorded in the county where the property is located. The covenant agreement must include all of the following:~~

~~(1) legal description of the area to which the covenant applies;~~

~~(2) name and address of the owner;~~

~~(3) a statement that the land described in the covenant must be kept as rural preserve land, which meets the requirements of subdivision 2, for the duration of the covenant;~~

~~(4) a statement that the landowner may terminate the covenant agreement by notifying the county assessor in writing five years in advance of the date of proposed termination, provided that the notice of intent to terminate may not be given at any time before the land has been subject to the covenant~~

for a period of five years;

~~(5) a statement that the covenant is binding on the owner or the owner's successor or assigns and runs with the land; and~~

~~(6) a witnessed signature of the owner, agreeing by covenant, to maintain the land as described in subdivision 2.~~

~~(c) After a covenant under this section has been terminated, the land that had been subject to the covenant is ineligible for subsequent valuation under this section for a period of three years after the termination.~~

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

Sec. 20. Minnesota Statutes 2009 Supplement, section 273.114, subdivision 6, is amended to read:

Subd. 6. **Additional taxes.** ~~Upon termination of a covenant agreement in subdivision 5, paragraph (b), the land to which the covenant applied~~ When real property which is being, or has been valued and assessed under this section no longer qualifies under subdivision 2, the portion no longer qualifying shall be subject to additional taxes in the amount equal to the difference between the taxes determined in accordance with subdivision 3 and the amount determined under subdivision 4, provided that the amount determined under subdivision 4 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's-length transaction been used in lieu of the market value determined under subdivision 4. The additional taxes shall be extended against the property on the tax list for the current year, provided that no interest or penalties shall be levied on the additional taxes if timely paid and that the additional taxes shall only be levied with respect to the current year plus two prior years that the property has been valued and assessed under this section.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 3327 as follows:

Page 14, line 24, strike "and"

Page 14, line 29, strike the period and insert "; and"

Page 14, after line 29, insert:

"(18) to the extent included in federal taxable income, compensation received from a pension or other retirement pay from the federal government for service in the military, as computed under United States Code, title 10, sections 1401 to 1414, 1447 to 1455, and 12733."

Page 14, line 30, after "enactment" insert ", except that clause (18) is effective for taxable years beginning after December 31, 2014"

Page 24, delete line 14 and insert "subdivision 19b, clauses (6), ~~(9)~~ (8) to ~~(16)~~ (15), (17), and (18)."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 29, as follows:

Those who voted in the affirmative were:

Chaudhary	Gerlach	Jungbauer	Olseen	Robling
Clark	Gimse	Koch	Olson, G.	Rosen
Erickson Ropes	Hann	Koering	Ortman	Senjem
Fischbach	Ingebrigtsen	Kubly	Pariseau	Vickerman
Fobbe	Johnson	Limmer	Parry	Wiger

Those who voted in the negative were:

Anderson	Dahle	Lynch	Prettner Solon	Skogen
Bakk	Dibble	Metzen	Rummel	Stumpf
Berglin	Dille	Murphy	Saxhaug	Tomassoni
Betzold	Higgins	Olson, M.	Scheid	Torres Ray
Bonoff	Kelash	Pappas	Sieben	Vandever
Cohen	Latz	Pogemiller	Skoe	

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

Senator Hann moved to amend S.F. No. 3327 as follows:

Page 151, after line 9, insert:

"ARTICLE 7

EDUCATION SHIFTS

Section 1. Minnesota Statutes 2008, section 123B.75, is amended by adding a subdivision to read:

Subd. 1a. **Definition.** For the purpose of this section, "school district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district.

EFFECTIVE DATE. This section is effective immediately and applies retroactively to fiscal year 2010 and later.

Sec. 2. Minnesota Statutes 2008, section 123B.75, subdivision 5, is amended to read:

~~Subd. 5. **Levy recognition.** (a) "School district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district.~~

~~(b) For fiscal year 2004 and later years 2009 and 2010, in June of each year, the school district must recognize as revenue, in the fund for which the levy was made, the lesser of:~~

~~(1) the sum of May, June, and July school district tax settlement revenue received in that calendar year, plus general education aid according to section 126C.13, subdivision 4, received in July and August of that calendar year; or~~

(2) the sum of:

(i) 31 percent of the referendum levy certified according to section 126C.17, in calendar year 2000; and

(ii) the entire amount of the levy certified in the prior calendar year according to section 124D.86, subdivision 4, for school districts receiving revenue under sections 124D.86, subdivision 3, clauses (1), (2), and (3); 126C.41, subdivisions 1, 2, and 3, paragraphs (b), (c), and (d); 126C.43, subdivision 2; 126C.457; and 126C.48, subdivision 6; plus

(iii) zero percent of the amount of the levy certified in the prior calendar year for the school district's general and community service funds, plus or minus auditor's adjustments, not including the levy portions that are assumed by the state, that remains after subtracting the referendum levy certified according to section 126C.17 and the amount recognized according to item (ii).

(b) For fiscal year 2011 and later years, in June of each year, the school district must recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the sum of May, June, and July school district tax settlement revenue received in that calendar year, plus general education aid according to section 126C.13, subdivision 4, received in July and August of that calendar year; or

(2) the sum of:

(i) the greater of 48.6 percent of the referendum levy certified according to section 126C.17 in the prior calendar year, or 31 percent of the referendum levy certified according to section 126C.17 in calendar year 2000; plus

(ii) the entire amount of the levy certified in the prior calendar year according to section 124D.86, subdivision 4, for school districts receiving revenue under sections 124D.86, subdivision 3, clauses (1), (2), and (3); 126C.41, subdivisions 1, 2, and 3, paragraphs (b), (c), and (d); 126C.43, subdivision 2; 126C.457; and 126C.48, subdivision 6.

EFFECTIVE DATE. This section is effective immediately and applies retroactively to fiscal year 2010 and later.

Sec. 3. Minnesota Statutes 2008, section 123B.75, subdivision 9, is amended to read:

Subd. 9. **Commissioner shall specify fiscal year.** The commissioner shall specify the fiscal year or years to which the revenue from any aid or tax levy is applicable if Minnesota Statutes do not so specify. The commissioner must report to the house of representatives and senate committees with jurisdiction over education finance by January 15 of each year any adjustments under this subdivision in the previous year.

Sec. 4. Minnesota Statutes 2008, section 126C.48, subdivision 7, is amended to read:

Subd. 7. **Reporting.** For each tax settlement, the county auditor shall report to each school district by fund, the district tax settlement revenue defined in section 123B.75, subdivision 5, ~~paragraph (a)~~ 1a, on the form specified in section 276.10. The county auditor shall send to the district a copy of the spread levy report specified in section 275.124.

EFFECTIVE DATE. This section is effective immediately and applies retroactively to fiscal

year 2010 and later.

Sec. 5. Minnesota Statutes 2008, section 127A.441, is amended to read:

127A.441 AID REDUCTION; LEVY REVENUE RECOGNITION CHANGE.

Each year, the state aids payable to any school district for that fiscal year that are recognized as revenue in the school district's general and community service funds shall be adjusted by an amount equal to (1) the amount the district recognized as revenue for the prior fiscal year pursuant to section 123B.75, subdivision 5, paragraph (a) or (b), minus (2) the amount the district recognized as revenue for the current fiscal year pursuant to section 123B.75, subdivision 5, paragraph (a) or (b). For purposes of making the aid adjustments under this section, the amount the district recognizes as revenue for either the prior fiscal year or the current fiscal year pursuant to section 123B.75, subdivision 5, paragraph (b), shall not include any amount levied pursuant to section 124D.86, subdivision 4, for school districts receiving revenue under sections 124D.86, subdivision 3, clauses (1), (2), and (3); 126C.41, subdivisions 1, 2, and 3, paragraphs (b), (c), and (d); 126C.43, subdivision 2; 126C.457; and 126C.48, subdivision 6. Payment from the permanent school fund shall not be adjusted pursuant to this section. The school district shall be notified of the amount of the adjustment made to each payment pursuant to this section.

EFFECTIVE DATE. This section is effective immediately and applies retroactively to fiscal year 2010 and later.

Sec. 6. Minnesota Statutes 2008, section 127A.45, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) The term "other district receipts" means payments by county treasurers pursuant to section 276.10, apportionments from the school endowment fund pursuant to section 127A.33, apportionments by the county auditor pursuant to section 127A.34, subdivision 2, and payments to school districts by the commissioner of revenue pursuant to chapter 298.

(b) ~~The term~~ "Cumulative amount guaranteed" means the product of

(1) the cumulative disbursement percentage shown in subdivision 3; times

(2) the sum of

(i) the current year aid payment percentage of the estimated aid and credit entitlements paid according to subdivision 13; plus

(ii) 100 percent of the entitlements paid according to subdivisions 11 and 12; plus

(iii) the other district receipts.

(c) ~~The term~~ "Payment date" means the date on which state payments to districts are made by the electronic funds transfer method. If a payment date falls on a Saturday, a Sunday, or a weekday which is a legal holiday, the payment shall be made on the immediately preceding business day. The commissioner may make payments on dates other than those listed in subdivision 3, but only for portions of payments from any preceding payment dates which could not be processed by the electronic funds transfer method due to documented extenuating circumstances.

(d) The current year aid payment percentage equals ~~90~~ 73.

EFFECTIVE DATE. This section is effective immediately and applies retroactively to fiscal year 2010 and later.

Sec. 7. Minnesota Statutes 2008, section 127A.45, subdivision 3, is amended to read:

Subd. 3. **Payment dates and percentages.** (a) ~~For fiscal year 2004 and later,~~ The commissioner shall pay to a district on the dates indicated an amount computed as follows: the cumulative amount guaranteed minus the sum of ~~(a)~~ (1) the district's other district receipts through the current payment, and ~~(b)~~ (2) the aid and credit payments through the immediately preceding payment. For purposes of this computation, the payment dates and the cumulative disbursement percentages are as follows:

	Payment date	Percentage
Payment 1	July 15:	5.5
Payment 2	July 30:	8.0
Payment 3	August 15:	17.5
Payment 4	August 30:	20.0
Payment 5	September 15:	22.5
Payment 6	September 30:	25.0
Payment 7	October 15:	27.0
Payment 8	October 30:	30.0
Payment 9	November 15:	32.5
Payment 10	November 30:	36.5
Payment 11	December 15:	42.0
Payment 12	December 30:	45.0
Payment 13	January 15:	50.0
Payment 14	January 30:	54.0
Payment 15	February 15:	58.0
Payment 16	February 28:	63.0
Payment 17	March 15:	68.0
Payment 18	March 30:	74.0
Payment 19	April 15:	78.0
Payment 20	April 30:	85.0
Payment 21	May 15:	90.0
Payment 22	May 30:	95.0
Payment 23	June 20:	100.0

~~(b) In addition to the amounts paid under paragraph (a), for fiscal year 2004, the commissioner shall pay to a district on the dates indicated an amount computed as follows:-~~

Payment 3	August 15: the final adjustment for the prior fiscal year for the state paid property tax credits established in section 273.1392
Payment 4	August 30: one third of the final adjustment for the prior fiscal year for all aid entitlements except state paid property tax credits
Payment 6	September 30: one third of the final adjustment for the prior fiscal year for all aid entitlements except state paid property tax credits
Payment 8	October 30: one third of the final adjustment for the prior fiscal year for all aid entitlements except state paid property tax credits

~~(e) (b) In addition to the amounts paid under paragraph (a), for fiscal year 2005 and later, the commissioner shall pay to a district on the dates indicated an amount computed as follows:~~

Payment 3	August 15: the final adjustment for the prior fiscal year for the state paid property tax credits established in section 273.1392
Payment 4	August 30: 30 percent of the final adjustment for the prior fiscal year for all aid entitlements except state paid property tax credits
Payment 6	September 30: 40 percent of the final adjustment for the prior fiscal year for all aid entitlements except state paid property tax credits
Payment 8	October 30: 30 percent of the final adjustment for the prior fiscal year for all aid entitlements except state paid property tax credits

EFFECTIVE DATE. This section is effective immediately and applies retroactively to fiscal year 2010 and later.

Sec. 8. Minnesota Statutes 2008, section 127A.45, is amended by adding a subdivision to read:

Subd. 7b. Advance final payment. (a) Notwithstanding subdivisions 3 and 7, a school district or charter school exceeding its expenditure limitations under section 123B.83 as of June 30 of the prior fiscal year may receive a portion of its final payment for the current fiscal year on June 20, if requested by the district or charter school. The amount paid under this subdivision must not exceed the lesser of:

(1) the difference between 90 percent and the current year payment percentage in subdivision 2, paragraph (d), in the current fiscal year times the sum of the district or charter school's general education aid plus the aid adjustment in section 127A.50 for the current fiscal year; or

(2) the amount by which the district's or charter school's net negative unreserved general fund balance as of June 30 of the prior fiscal year exceeds 2.5 percent of the district or charter school's expenditures for that fiscal year.

(b) The state total advance final payment under this subdivision for any year must not exceed \$7,500,000. If the amount request exceeds \$7,500,000, the advance final payment for each eligible district must be reduced proportionately.

EFFECTIVE DATE. This section is effective immediately and applies retroactively to fiscal year 2010 and later.

Sec. 9. Minnesota Statutes 2008, section 127A.45, subdivision 13, is amended to read:

Subd. 13. **Aid payment percentage.** Except as provided in subdivisions 11, 12, 12a, and 14, each fiscal year, all education aids and credits in this chapter and chapters 120A, 120B, 121A, 122A, 123A, 123B, 124D, 125A, 125B, 126C, 134, and section 273.1392, shall be paid at the current year aid payment percentage of the estimated entitlement during the fiscal year of the entitlement. ~~For the purposes of this subdivision, a district's estimated entitlement for special education excess cost aid under section 125A.79 for fiscal year 2005 equals 70 percent of the district's entitlement for the second prior fiscal year.~~ For the purposes of this subdivision, a district's estimated entitlement for special education excess cost aid under section 125A.79 for fiscal year 2006 and later equals 74.0 percent of the district's entitlement for the current fiscal year. The final adjustment payment, according to subdivision 9, must be the amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement."

Page 151, line 10, strike "7" and insert "8"

Amend the title accordingly

Senator Stumpf questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Senator Hann appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Committee?"

The roll was called, and there were yeas 34 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Latz	Prettner Solon	Skogen
Bakk	Dahle	Metzen	Rummel	Sparks
Berglin	Dibble	Murphy	Saltzman	Stumpf
Betzold	Doll	Olseen	Saxhaug	Torres Ray
Carlson	Erickson Ropes	Olson, M.	Scheid	Vickerman
Chaudhary	Higgins	Pappas	Sieben	Wiger
Clark	Kelash	Pogemiller	Skoe	

Those who voted in the negative were:

Bonoff	Gimse	Koch	Pariseau	Vandev eer
Dille	Hann	Koering	Parry	
Fischbach	Ingebrigtsen	Limmer	Robling	
Fobbe	Johnson	Olson, G.	Rosen	
Gerlach	Jungbauer	Ortman	Senjem	

So the decision of the Chair was sustained.

Senator Vandev eer moved to amend S.F. No. 3327 as follows:

Page 83, after line 9, insert:

"Sec. 17. Minnesota Statutes 2008, section 273.111, is amended by adding a subdivision to read:

Subd. 17. **Appeal.** If an assessor denies an application for valuation under this section, the applicant may appeal the decision to the local board of appeal and equalization as provided under section 274.01."

The motion prevailed. So the amendment was adopted.

S.F. No. 3327 was then recommended to pass.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Tomassoni moved that the following members be excused for a Conference Committee on S.F. No. 2510 at 6:00 p.m.:

Senators Tomassoni, Saltzman, Sieben, Kelash and Sparks. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 80, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 80: A bill for an act relating to elections; campaign finance; removing certain unconstitutional provisions governing independent expenditures in political campaigns; changing certain campaign expenditure and contribution limits and certain reporting requirements; authorizing electronic filing of certain items with the Campaign Finance and Public Disclosure Board; providing contribution limits for judicial candidates; increasing contribution limits for candidates for secretary of state, state auditor and the legislature; making certain reports filed with the Campaign Finance and Public Disclosure Board nonpublic data until certain conditions have been met; requiring the public subsidy for an eligible candidate be withheld until a required report has been filed; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 9, 11, 18, 26; 10A.04, subdivision 5; 10A.071, subdivision 3; 10A.08; 10A.09, subdivision 7; 10A.14, subdivisions 2, 4, by adding a subdivision; 10A.20, subdivisions 1, 12, 13, by adding subdivisions; 10A.27, subdivision 1; 10A.31, subdivision 6, by adding a subdivision; 10A.322, subdivision 1; 10A.323; 10A.35; 13.607, by adding a subdivision; 211A.02, subdivision 2; 211A.05, subdivision 2; 211B.12; repealing Minnesota Statutes 2008, section 10A.20, subdivision 6b.

Senate File No. 80 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 7, 2010

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. 2519, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2519: A bill for an act relating to public utilities; requiring disclosure of public utility's travel, entertainment, and related expenses included in rate change request; amending Minnesota Statutes 2008, sections 13.681, by adding a subdivision; 216B.16, by adding a subdivision.

Senate File No. 2519 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 7, 2010

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. 2935, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2935: A bill for an act relating to human services; making changes to licensing provisions; modifying background study requirements, disqualifications, and data classification; amending Minnesota Statutes 2008, sections 245A.07, subdivision 2a; 245A.30; 245B.05, subdivision 7; 245C.02, subdivision 18; Minnesota Statutes 2009 Supplement, sections 245A.03, subdivision 2; 245A.04, subdivisions 5, 7; 245A.07, subdivisions 1, 3; 245A.144; 245A.50, subdivision 5; 245C.15, subdivision 2; 245C.20; 245C.22, subdivision 7.

Senate File No. 2935 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 7, 2010

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. 2755, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2755: A bill for an act relating to public safety; clarifying detention placement options for extended jurisdiction juveniles pending revocation hearings; amending Minnesota Statutes 2008, section 260B.130, subdivision 5.

Senate File No. 2755 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 7, 2010

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. 3081: A bill for an act relating to energy; modifying community-based energy development program; amending Minnesota Statutes 2008, section 216B.1612, subdivisions 3, 5, 7, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 216B.1612, subdivision 2.

Senate File No. 3081 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

Senator Prettner Solon moved that the Senate do not concur in the amendments by the House to S.F. No. 3081, 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. 3275: A bill for an act relating to state government; appropriating money from constitutionally dedicated funds; modifying appropriation to prevent water pollution from polycyclic aromatic hydrocarbons; modifying certain administrative accounts; modifying electronic transaction provisions; providing for certain registration exemptions; modifying all-terrain vehicle definitions; modifying all-terrain vehicle operation restrictions; modifying state trails and canoe and boating routes; modifying fees and disposition of certain receipts; modifying certain competitive bidding exemptions; modifying horse trail pass provisions; modifying beaver dam provisions; modifying the Water Law; modifying nongame wildlife checkoffs; establishing an Environment and Natural Resources Organization Advisory Committee to advise legislature and governor on new structure for administration of environment and natural resource policies; requiring an advisory committee to consider all powers and duties of Pollution Control Agency, Department of Natural Resources, Environmental Quality Board, Board of Water and Soil Resources, Petroleum Tank Release Compensation Board, Harmful Substances Compensation Board, and Agricultural Chemical Response Compensation Board and certain powers and duties of Departments of Agriculture, Health, Transportation, and Commerce; modifying method of determining value of acquired stream easements; providing for certain historic property exemption; modifying state forest acquisition provisions; modifying certain requirements for land sales; adding to and deleting from state parks and state forests; authorizing public and private sales, conveyances, and exchanges of certain state land; amending the definition of "green economy" to include the concept of "green chemistry;" clarifying that an appropriation is to the commissioner of commerce; establishing a program to provide rebates for solar photovoltaic modules; providing for community energy planning; modifying Legislative Energy Commission and Public Utilities Commission provisions;

eliminating a legislative guide; appropriating money; amending Minnesota Statutes 2008, sections 3.8851, subdivision 7; 84.025, subdivision 9; 84.027, subdivision 15; 84.0272, subdivision 2; 84.0856; 84.0857; 84.777, subdivision 2; 84.82, subdivision 3, by adding a subdivision; 84.92, subdivisions 9, 10; 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1; 84.9256, subdivision 1; 84.928, subdivision 5; 85.012, subdivision 40; 85.015, subdivision 14; 85.22, subdivision 5; 85.32, subdivision 1; 85.41, subdivision 3; 85.42; 85.43; 85.46, as amended; 88.17, subdivisions 1, 3; 88.79, subdivision 2; 89.032, subdivision 2; 90.041, by adding a subdivision; 90.121; 90.14; 97B.665, subdivision 2; 103A.305; 103G.271, subdivision 3; 103G.285, subdivision 5; 103G.301, subdivision 6; 103G.305, subdivision 2; 103G.315, subdivision 11; 103G.515, subdivision 5; 103G.615, subdivision 2; 115A.02; 116.07, subdivisions 4, 4h; 116J.437, subdivision 1; 216B.62, by adding a subdivision; 290.431; 290.432; 473.1565, subdivision 2; Minnesota Statutes 2009 Supplement, sections 84.415, subdivision 6; 84.793, subdivision 1; 84.9275, subdivision 1; 84.928, subdivision 1; 85.015, subdivision 13; 86A.09, subdivision 1; 103G.201; Laws 2008, chapter 368, article 1, section 34, as amended; Laws 2009, chapter 37, article 2, section 13; Laws 2009, chapter 176, article 4, section 9; Laws 2010, chapter 215, article 3, section 4, subdivision 10; proposing coding for new law in Minnesota Statutes, chapters 85; 103G; 116C; repealing Minnesota Statutes 2008, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 90.172; 97B.665, subdivision 1; 103G.295; 103G.650; Minnesota Statutes 2009 Supplement, sections 3.3006; 84.02, subdivisions 4a, 6a, 6b; Laws 2009, chapter 172, article 5, section 8.

Senate File No. 3275 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 6, 2010

Senator Anderson moved that the Senate do not concur in the amendments by the House to S.F. No. 3275, 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. 3106: Senators Murphy, Moua, Rosen, Doll and Carlson.

S.F. No. 1537: Senators Berglin, Anderson and Dibble.

S.F. No. 3275: Senators Anderson, Saxhaug, Chaudhary, Frederickson and Rummel.

S.F. No. 3081: Senators Prettner Solon, Rosen and Skogen.

S.F. No. 2971: Senators Prettner Solon, Dibble and Koch.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Berglin moved that the following members be excused for a Conference Committee on H.F. No. 2614 at 8:15 p.m.:

Senators Berglin, Prettner Solon, Lourey, Sheran and Dille. 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 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 Murphy reported that the committee had considered the following:

S.F. No. 2937, which the committee recommends to pass.

S.F. No. 1659, which the committee recommends to pass, subject to the following motions:

Senator Higgins moved to amend S.F. No. 1659 as follows:

Page 1, line 17, delete "that"

Page 1, line 20, delete "and"

Page 1, line 22, after "action" insert "; and (iii) for which taxes have not been paid for at least one previous year"

Senator Limmer questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

The question was taken on the adoption of the Higgins amendment. The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 1659.

The roll was called, and there were yeas 28 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson

Bakk

Berglin

Betzold

Bonoff

Carlson
Chaudhary
Cohen
Dibble
Erickson Ropes

Higgins
Kelash
Langseth
Latz
Lynch

Murphy
Pappas
Prettner Solon
Rummel
Saxhaug

Scheid
Sieben
Skoe
Stumpf
Tomassoni

Torres Ray
Vickerman
Wiger

Those who voted in the negative were:

Dahle
Dille
Doll
Fobbe

Gerlach
Gimse
Hann
Ingebrigtsen

Koch
Limmer
Olseen
Olson, G.

Olson, M.
Ortman
Pariseau
Parry

Robling
Rosen
Saltzman
Skogen

The motion prevailed. So S.F. No. 1659 was recommended to pass.

S.F. No. 2839, which the committee recommends to pass with the following amendments offered by Senators Scheid, Dahle and Gerlach:

Senator Scheid moved to amend S.F. No. 2839 as follows:

Page 8, after line 23, insert:

"Sec. 13. Minnesota Statutes 2009 Supplement, section 60K.361, is amended to read:

60K.361 INSURANCE EDUCATION.

(a) Prelicense education must consist of 20 hours of education per line of authority.

(b) The ~~first ten hours~~ course must ~~be~~ include an introduction to insurance and insurance-related concepts covering all of the major lines of authority except variable life and variable annuities. The course must consist of the following:

- (1) rules, regulations, and law;
- (2) basic fundamentals of insurance;
- (3) property:
 - (i) types of policies;
 - (ii) policy provisions;
 - (iii) perils, exclusions, deductibles, and liability; and
 - (iv) evaluating needs;
- (4) casualty:
 - (i) types of policies;
 - (ii) policy provisions;
 - (iii) perils, exclusions, deductibles, and liability; and
 - (iv) evaluating needs;
- (5) life:

- (i) types of policies;
 - (ii) policy provisions; and
 - (iii) group insurance; and
- (6) accident and health:
- (i) types of policies;
 - (ii) policy provisions; and
 - (iii) group insurance.
- (c) ~~The second ten hours of insurance prelicense education must be composed of~~ Courses that cover a specific major line of authority ~~and consist of~~ must include the following:
- (1) life:
 - (i) types of life insurance policies; and
 - (ii) Minnesota laws, rules, and regulations pertinent to life insurance;
 - (2) accident and health:
 - (i) types of health insurance policies; and
 - (ii) Minnesota laws, rules, and regulations pertinent to accident and health insurance;
 - (3) property:
 - (i) personal lines;
 - (ii) commercial lines; and
 - (iii) Minnesota laws, rules, and regulations pertinent to property insurance.
 - (4) casualty:
 - (i) personal lines;
 - (ii) commercial lines; and
 - (iii) Minnesota laws, rules, and regulations pertinent to casualty insurance; and
 - (5) personal lines:
 - (i) types of property/casualty personal lines insurance policies; and
 - (ii) Minnesota laws, rules, and regulations pertinent to property/casualty personal lines insurance.

EFFECTIVE DATE. This section is effective July 1, 2010."

Page 11, after line 2, insert:

"Sec. 18. Minnesota Statutes 2008, section 62A.3099, subdivision 17, is amended to read:

Subd. 17. **Medicare-related coverage.** "Medicare-related coverage" means a policy, contract, or certificate issued as a supplement to Medicare, regulated under sections 62A.3099 to 62A.44, including Medicare select coverage; policies, contracts, or certificates that supplement Medicare issued by health maintenance organizations; or policies, contracts, or certificates governed by section 1833 (known as "~~cost~~" or "HCPP" contracts) or 1876 (known as "~~TEFRA~~" or "~~risk~~" "Cost" contracts) of the federal Social Security Act, United States Code, title 42, section 1395, et seq., as amended; or Section 4001 of the Balanced Budget Act of 1997 (BBA)(Public Law 105-33), Sections 1851 to 1859 of the Social Security Act establishing Part C of the Medicare program, known as the "Medicare Advantage program."

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

Page 11, line 8, strike "1833" and insert "1876"

Page 21, after line 34, insert:

"Sec. 33. Minnesota Statutes 2008, section 72A.51, subdivision 2, is amended to read:

Subd. 2. **Return of policy or contract; notice.** Any individual person may cancel an individual policy of insurance against loss or damage by reason of the sickness of the assured or the assured's dependents, a nonprofit health service plan contract providing benefits for hospital, surgical and medical care, a health maintenance organization subscriber contract, or a policy of insurance authorized by section 60A.06, subdivision 1, clause (4), except Medicare-related coverage as defined in section 62A.3099, subdivision 17, and long-term care insurance as defined in section 62S.01, subdivision 18, by returning the policy or contract and by giving written notice of cancellation any time before midnight of the tenth day following the date of purchase. Notice of cancellation may be given personally or by mail. The policy or contract may be returned personally or by mail. If by mail, the notice or return of the policy or contract is effective upon being postmarked, properly addressed and postage prepaid.

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

Page 64, after line 16, insert:

"Subd. 7. **Enforcement reports.** The commissioner shall, on a regular basis, provide the board with the commissioner's public enforcement data."

Page 64, after line 17, insert:

"Sec. 79. Minnesota Statutes 2008, section 82B.06, is amended to read:

82B.06 POWERS OF THE BOARD.

The board shall make recommendations to the commissioner as the commissioner requests or at the board's own initiative on:

- (1) rules with respect to each category of licensed real estate appraiser, the type of educational experience, appraisal experience, and equivalent experience that will meet the requirements of this chapter;
- (2) examination specifications for each category of licensed real estate appraiser, to assist in providing or obtaining appropriate examination questions and answers, and procedures for grading

examinations;

(3) rules with respect to each category of licensed real estate appraiser, the continuing education requirements for the renewal of licensing that will meet the requirements provided in this chapter;

(4) periodic review of the standards for the development and communication of real estate appraisals provided in this chapter and rules explaining and interpreting the standards; and

(5) other matters necessary in carrying out the provisions of this chapter.

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

Page 71, lines 7 to 35, reinstate the stricken language and delete the new language

Page 71, line 10, after "308A" insert "or 308B"

Page 72, lines 1 to 18, delete the new language and reinstate the stricken language

Page 72, after line 18, insert:

"Subd. 3. **Use of surplus lines.** Plans created under this section may use surplus lines carriers to fulfill its obligations under Minnesota Statutes, chapter 62H."

Page 73, delete article 2

Page 90, delete article 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheid moved to amend S.F. No. 2839 as follows:

Page 64, after line 17, insert:

"Sec. 76. Minnesota Statutes 2008, section 82B.14, is amended to read:

82B.14 EXPERIENCE REQUIREMENT.

(a) As a prerequisite for licensing as a licensed real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has obtained 2,000 hours of experience in real property appraisal obtained in no fewer than 12 months.

As a prerequisite for licensing as a certified residential real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has obtained 2,500 hours of experience in real property appraisal obtained in no fewer than 24 months.

As a prerequisite for licensing as a certified general real property appraiser, an applicant must present evidence satisfactory to the commissioner that the person has obtained 3,000 hours of experience in real property appraisal obtained in no fewer than 30 months. At least 50 percent, or 1,500 hours, must be in nonresidential appraisal work.

(b) Each applicant for license under section 82B.11, subdivision 3, 4, or 5, shall give under

oath a detailed listing of the real estate appraisal reports or file memoranda for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commissioner for examination, a sample of appraisal reports that the applicant has prepared in the course of appraisal practice.

(c) Notwithstanding section 45.22, a college or university real estate course may be approved retroactively by the commissioner for appraiser prelicense education credit if:

(1) the course was offered by a college or university physically located in Minnesota;

(2) the college or university was an approved education provider at the time the course was offered;

(3) the commissioner's approval is made to the same extent in terms of courses and hours and with the same time limits as those specified by the Appraiser Qualifications Board.

(d) Applicants may not receive credit for experience accumulated while unlicensed, if the experience is based on activities which required a license under this section.

~~(d)~~ (e) Experience for all classifications must be obtained after January 30, 1989, and must be USPAP compliant."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dahle moves to amend S.F. No. 2839 as follows:

Page 25, after line 33, insert:

"**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to applications processed on or after that date, but not to self-insured groups existing as of that date."

Page 29, after line 11, insert:

"**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to applications processed on or after that date, but not to self-insured groups existing as of that date."

The motion prevailed. So the amendment was adopted.

Senator Gerlach moved to amend S.F. No. 2839 as follows:

Pages 18 to 19, delete sections 26 to 27 and insert:

"Sec. 26. Minnesota Statutes 2008, section 72A.08, subdivision 4, is amended to read:

Subd. 4. **Exceptions.** (a) The provisions of this section shall not apply to any policy procured by officers, agents, subagents, employees, intermediaries, or representatives wholly and solely upon property of which they are, respectively, the owner at the time of procuring the policy, where the officers, agents, subagents, employees, intermediaries, or representatives are, and have been for more than six months prior to the issuing of the policy, regularly employed by, or connected with, the company or association issuing the policy; and any life insurance company doing business in

this state may issue industrial policies of life or endowment insurance, with or without annuities, with special rates of premiums less than the usual rates of premiums for these policies, to members of labor organizations, credit unions, lodges, beneficial societies, or similar organizations, or employees of one employer, who, through their secretary or employer, may take out insurance in an aggregate of not less than 50 members and pay their premiums through the secretary or employer.

(b) A promotional advertising item of \$25 or less or a gift of \$25 or less per year is not a rebate if the receipt of the item or gift is not conditioned upon purchase of an insurance policy or product.

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

Sec. 27. Minnesota Statutes 2008, section 72A.12, subdivision 4, is amended to read:

Subd. 4. **Discrimination; rebates.** (a) No life insurance company doing business in this state shall make or permit any distinction or discrimination in favor of individuals between insureds of the same class and equal expectation of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such company or agent thereof make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon; nor shall any such company or any officer, agent, solicitor, or representative thereof pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever not specified in the policy contract of insurance.

Any violation of the provisions of this subdivision shall be a misdemeanor and punishable as such.

(b) A promotional advertising item of \$25 or less or a gift of \$25 or less per year is not a rebate if the receipt of the item or gift is not conditioned upon purchase of an insurance policy or product.

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

Sec. 28. Minnesota Statutes 2008, section 72A.20, subdivision 10, is amended to read:

Subd. 10. **Rebates.** (a) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract of life insurance, annuity, or accident and health insurance, or agreement as to such contract, other than as plainly expressed in the contract issued thereon, or paying or allowing or giving, or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving or selling or purchasing, or offering to give, sell, or purchase, as inducement to such insurance or annuity, or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract, shall constitute an unfair method of competition and an unfair and deceptive act or practice.

(b) A promotional advertising item of \$25 or less or a gift of \$25 or less per year is not a rebate if the receipt of the item or gift is not conditioned upon purchase of an insurance policy or product.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2430, which the committee recommends to pass with the following amendments offered by Senators Scheid and Clark:

Senator Scheid moved to amend S.F. No. 2430 as follows:

Page 2, delete section 3

Page 5, line 10, after "sale" insert a comma and after "costs" insert a comma

Page 5, line 19, delete "offer" and insert "ask you"

Page 5, line 22, delete "it" and insert "the house"

Page 5, line 25, delete "your" and insert "the" and delete "(although it could also be more)"

Page 5, line 30, delete everything after "sale" and insert "and pay interest, fees, and other claims against the property."

Page 5, delete lines 31 and 32

Page 5, line 33, delete everything before "If"

Page 5, line 34, delete everything after "a" and insert """short sale." A short sale is an agreement in which"

Page 6, after line 23, insert:

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to notices delivered on or after that date."

Page 6, line 30, after "acquire" insert "fee" and after "property" insert "directly from the mortgagor"

Page 6, line 31, delete the comma

Page 6, line 32, after "agreement" insert "with the mortgagor"

Page 7, line 13, after "ABOVE" insert a comma

Page 7, line 17, delete "any recorded" and insert "interest, fees, and other claims against the property."

Page 7, delete lines 18 to 20

Page 7, line 21, delete everything before "You"

Page 7, line 22, delete """short sale" where" and insert """short sale." A short sale is an agreement in which"

Page 7, line 34, before the semicolon, insert "unless the buyer or the mortgagor enters into a short sale agreement with the holder of the sheriff's certificate in which the holder agrees to accept less than the full amount required to redeem"

Page 8, after line 14, insert:

"EFFECTIVE DATE. This section is effective August 1, 2010, and applies to sheriff's sales conducted on or after that date. This section, including any subsequent amendments to subdivision 2 or 3, expires on December 31, 2012."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheid moved to amend S.F. No. 2430 as follows:

Page 4, line 29, before "to" insert "or contact the United States Department of Housing and Urban Development at 1-800-569-4287 or www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search=MN#searchArea" and after "nearest" insert "certified"

Page 6, line 4, before "to" insert "or contact the United States Department of Housing and Urban Development at 1-800-569-4287 or www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search=MN#searchArea" and after "nearest" insert "certified"

Page 7, line 28, after "www.hocmn.org" insert "or contact the United States Department of Housing and Urban Development at 1-800-569-4287 or www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search=MN#searchArea"

The motion prevailed. So the amendment was adopted.

Senator Clark moved to amend S.F. No. 2430 as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 47.58, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Reverse mortgage loan" means a loan:

(1) Made to a borrower wherein the committed principal amount is paid to the borrower in equal or unequal installments over a period of months or years, interest is assessed, and authorized closing costs are incurred as specified in the loan agreement;

(2) Which is secured by a mortgage on residential property owned solely by the borrower; and

(3) Which is due ~~when the committed principal amount has been fully paid to the borrower, or upon sale of the property securing the loan, or upon the death of the last surviving borrower, or upon~~

the borrower terminating use of the property as principal residence so as to disqualify the property from the homestead credit given in chapter 290A.

(b) "Lender" means any bank subject to chapter 48, credit union subject to chapter 52, savings bank organized and operated pursuant to chapter 50, savings association subject to chapter 51A, any residential mortgage originator subject to chapter 58, or any insurance company as defined in section 60A.02, subdivision 4. "Lender" also includes any federally chartered bank supervised by the comptroller of the currency or federally chartered savings association supervised by the Federal Home Loan Bank Board or federally chartered credit union supervised by the National Credit Union Administration, to the extent permitted by federal law.

(c) "Borrower" includes any natural person holding an interest in severalty or as joint tenant or tenant-in-common in the property securing a reverse mortgage loan.

(d) "Outstanding loan balance" means the current net amount of money owed by the borrower to the lender whether or not that sum is suspended pursuant to the terms of the reverse mortgage loan agreement or is immediately due and payable. The outstanding loan balance is calculated by adding the current totals of the items described in clauses (1) to (5) and subtracting the current totals of the item described in clause (6):

(1) The sum of all payments made by the lender which are necessary to clear the property securing the loan of any outstanding mortgage encumbrance or mechanics or material supplier's lien.

(2) The total disbursements made by the lender to date pursuant to the loan agreement as formulated in accordance with subdivision 3.

(3) All taxes, assessments, insurance premiums and other similar charges paid to date by the lender pursuant to subdivision 6, which charges were not reimbursed by the borrower within 60 days.

(4) All actual closing costs which the borrower has deferred, if a deferral provision is contained in the loan agreement as authorized by subdivision 7.

(5) The total accrued interest to date, as authorized by subdivision 5.

(6) All payments made by the borrower pursuant to subdivision 4.

(e) "Actual closing costs" mean reasonable charges or sums ordinarily paid at the time of closing for the following, whether or not retained by the lender:

(1) Any insurance premiums on policies covering the mortgaged property including but not limited to premiums for title insurance, fire and extended coverage insurance, flood insurance, and private mortgage insurance.

(2) Abstracting, title examination and search, and examination of public records related to the mortgaged property.

(3) The preparation and recording of any or all documents required by law or custom for closing a reverse mortgage loan agreement.

(4) Appraisal and survey of real property securing a reverse mortgage loan.

(5) A single service charge, which service charge shall include any consideration, not otherwise specified in this section as an "actual closing cost," paid by the borrower to the lender for or in relation to the acquisition, making, refinancing or modification of a reverse mortgage loan, and shall also include any consideration received by the lender for making a commitment for a reverse mortgage loan, whether or not an actual loan follows the commitment. The service charge shall not exceed one percent of the bona fide committed principal amount of the reverse mortgage loan.

(6) Charges and fees necessary for or related to the transfer of real property securing a reverse mortgage loan or the closing of a reverse mortgage loan agreement paid by the borrower and received by any party other than the lender.

Sec. 2. Minnesota Statutes 2008, section 47.58, subdivision 3, is amended to read:

Subd. 3. **Payment; repayment; amount.** The committed principal amount of a reverse mortgage loan shall be paid to the borrower over the period of months or years as specified in the loan agreement. The borrower and lender may, by written agreement, amend the loan agreement from time to time. Pursuant to the terms of the contract the borrower shall make repayment to the lender:

~~(a) upon payment to the borrower of the final installment unless, by written agreement between the borrower and lender whereunder the borrower agrees to periodically pay the lender interest accruing on the outstanding loan balance, repayment of the outstanding loan balance is postponed until default in payment of interest or until the occurrence of any of the events specified in clauses (b) (1) to (e) (4);~~

~~(b) (1) upon sale of the property securing the loan;~~

~~(c) (2) upon the death of the last surviving borrower;~~

~~(d) (3) upon the borrower terminating use of the property as principal residence so as to disqualify the property from homestead classification under section 273.13; or~~

~~(e) (4) upon renegotiation of the terms of the reverse mortgage loan agreement, unless the parties agree in writing to postpone repayment.~~

Except as otherwise provided in this subdivision, the outstanding loan balance as projected by the lender to the anticipated time of payment to the borrower of the final installment of committed principal shall not exceed 80 percent of the appraised value of the property at inception of the loan. If upon reappraisal of the property made at any time during the term of the loan, the projected outstanding loan balance does not exceed 70 percent of the reappraised value of the property, the schedule of the lender's installment payments may be extended and the amount of the committed principal amount increased, provided the revised outstanding loan balance at payment of the lender's final installment of committed principal does not exceed 80 percent of the reappraised value of the property.

Sec. 3. Minnesota Statutes 2008, section 47.58, subdivision 8, is amended to read:

Subd. 8. **Counseling; requirement; penalty.** ~~A lender, mortgage banking company, or other mortgage lender not related to the mortgagor must keep a certificate on file documenting that the borrower, prior to entering into the reverse mortgage loan, received counseling as defined in this subdivision from an organization that meets the requirements of section 462A.209 and is a Prior~~

to accepting a final and complete application for a reverse mortgage loan or assessing any fees, a lender must:

(1) refer the prospective borrower to an independent housing counseling agency approved by the Department of Housing and Urban Development. The certificate must for reverse mortgage counseling. The lender shall provide the prospective borrower with a list of at least three independent housing counseling agencies. The lender shall positively promote the benefits of reverse mortgage counseling to the potential borrower; and

(2) receive a certification from the applicant or the applicant's authorized representative that the applicant has received counseling as defined in this subdivision from an independent housing counseling agency. The certification must be signed by the mortgagor applicant and the counselor from the independent agency and must include the date of the counseling, and the name, address, and telephone number of both the mortgagor and the organization providing counseling. counselor from the independent agency and the applicant. The lender shall maintain the certification in an accurate, reproducible, and accessible format for the term of the reverse mortgage. A failure by the lender to comply with this subdivision results in a \$1,000 civil penalty payable to the mortgagor borrower.

For the purposes of this subdivision:

(i) "independent counseling agency" means an agency approved by the United States Department of Housing and Urban Development, domiciled in Minnesota, to provide loan counseling that has no business relationship with the lender and, except for an authorized foreclosure prevention counseling agency, as defined in section 580.021, subdivision 2, neither makes loans nor refers borrowers to any person or entity that makes loans; and

(ii) "counseling" means that during a session, which must be no less than 60 minutes, the following services are provided to the borrower:

- (1) (A) a review of the advantages and disadvantages of a reverse mortgage programs loan;
- (2) an explanation of how the reverse mortgage affects the borrower's estate and public benefits;
- (3) an explanation of the lending process;
- (4) a discussion of the borrower's supplemental income needs; and
- (5) an opportunity to ask questions of the counselor.

(B) a discussion of the borrower's finances, assets, liabilities, expenses, and income needs and a review of options other than a reverse mortgage loan that are available to the borrower, including other housing, social services, health, and financial options;

(C) a review of other home equity conversion or other loan options that are or may become available to the borrower;

(D) an explanation of the financial implication of entering into a reverse mortgage loan, including the costs of the loan;

(E) an explanation that a reverse mortgage loan may have tax consequences, affect eligibility for assistance under federal and state programs, and have an impact on the estate and heirs of the

borrower;

(F) an explanation of the lending process;

(G) an opportunity for the borrower to ask questions of the counselor;

(H) an explanation that:

(aa) the lender may not condition a reverse mortgage loan on the purchase of an annuity, investment, life insurance, or long-term care insurance product; and

(bb) a reverse mortgage loan cannot obligate the borrower to purchase an annuity, investment, life insurance, or long-term care insurance product; and

(I) notification to the borrower that, following the receipt of a written commitment to make a reverse mortgage loan and prior to the expiration of the seven-day cooling off period provided under subdivision 10, the borrower may seek additional information and an analysis of the commitment from the counselor.

Sec. 4. Minnesota Statutes 2008, section 47.58, is amended by adding a subdivision to read:

Subd. 9. **Lender default; forfeiture.** A lender who fails to make loan advances as required in the loan documents, and fails to cure an actual default after notice as specified in the loan documents, shall forfeit any right to repayment of the outstanding loan balance with respect to a mortgage that is not federally insured. Any mortgage that is not federally insured securing a reverse mortgage loan agreement in which a forfeiture has occurred pursuant to this subdivision may be declared null and void by a court of competent jurisdiction.

Sec. 5. Minnesota Statutes 2008, section 47.58, is amended by adding a subdivision to read:

Subd. 10. **Seven-day cooling off period; right of rescission.** (a) A borrower shall not be bound for seven days after the borrower's acceptance, in writing, of the lender's written commitment to make the reverse mortgage loan, and cannot be required to close or proceed with the loan during that time period. The lender shall provide the borrower with written notice of the seven-day cooling off period, which must be on a separate sheet of paper and in at least ten-point type. A borrower may not waive the provisions of this paragraph.

(b) The borrower may rescind any reverse mortgage loan within three days of execution, as provided in Code of Federal Regulations, Regulation Z.

Sec. 6. Minnesota Statutes 2008, section 47.58, is amended by adding a subdivision to read:

Subd. 11. **Sales of insurance products in connection with reverse mortgage loan transactions.** No lender, mortgage broker, or residential mortgage originator may:

(1) require the purchase of an annuity, investment, life insurance, or long-term care insurance product as a condition of obtaining a reverse mortgage loan;

(2) enter into any agreement to make a reverse mortgage loan that obligates the borrower to purchase an annuity, investment, life insurance, or long-term care insurance product; or

(3) receive compensation for providing the borrower with information relating to an annuity, investment, life insurance, or long-term care insurance product.

For the purposes of this subdivision, "mortgage broker" has the meaning given in section 58.02, subdivision 13, and "residential mortgage originator" has the meaning given in section 58.02, subdivision 19.

Sec. 7. [58.19] REVERSE MORTGAGE LOANS COORDINATION WITH CHAPTER 47.

No person acting as a residential mortgage originator or servicer, including a person required to be licensed under this chapter, and no person exempt from the licensing requirements of this chapter under section 58.04, shall make, provide, or arrange for a reverse mortgage as defined in chapter 47 without complying with that chapter."

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. 2170, which the committee recommends to pass with the following amendments offered by Senator Scheid:

Page 10, line 24, delete "on" and insert "regarding the finances of" and delete "or bureau"

The motion prevailed. So the amendment was adopted.

Senator Scheid moved to amend S.F. No. 2170 as follows:

Page 6, line 11, delete "five" and insert "ten"

Page 6, line 12, delete everything after the period and insert "For a mortgage to be exempt under this paragraph, the mortgagor's income and financial resources must have been verified by tax returns, payroll receipts, bank records, or other similarly reliable documents by the credit union, savings association, or bank that underwrote the loan."

Page 6, delete lines 13 and 14

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.

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 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. 2918: A bill for an act relating to retirement; various retirement plans; increasing certain contribution rates; suspending certain postretirement adjustments; reducing certain postretirement adjustment increase rates; reducing interest rates on refunds; reducing deferred annuity augmentation rates; eliminating interest on reemployed annuitant earnings limitation deferred accounts; increasing certain vesting requirements; increasing certain early retirement reduction rates; reducing certain benefit accrual rates; extending certain amortization periods; making changes of an administrative nature for retirement plans administered by the Minnesota State Retirement Association; revising insurance withholding for certain retired public employees; authorizing state patrol plan service credit for leave procedures; addressing plan coverage errors and omitted contributions; revising unlawful discharge annuity repayment requirements; requiring employment unit accommodation of daily valuation of investment accounts; eliminating administrative fee maximum for the unclassified state employees retirement program; making changes of an administrative nature in the general employees retirement plan of the Public Employees Retirement Association, the public employees police and fire retirement plan, and the defined contribution retirement plan; making various administrative modifications in the voluntary statewide lump-sum volunteer firefighter retirement plan of the Public Employees Retirement Association; revising purchase of salary credit procedures in certain partial salary situations; adding new partial salary credit purchase authority for partial paid medical leaves and budgetary leaves; redefining TRA allowable service credit; defining annual base salary; requiring base salary reporting by TRA-covered employing units; making changes of an administrative nature in the Minnesota State Colleges and Universities System individual retirement account plan; setting deadline dates for actuarial reporting; extending and revising an early retirement incentive program; permitting the court-ordered revocation of an optional annuity election in certain marriage dissolutions; transfer of the administrative functions of the Minneapolis Employees Retirement Fund to the Public Employees Retirement Association; creation of MERF consolidation account within the Public Employees Retirement Association; making various technical corrections relating to volunteer fire relief associations; revising break-in-service return to firefighting authorizations; authorizing Minnesota deferred compensation plan service pension transfers; revising payout defaults in survivor benefits; authorizing corrections of certain special fund deposits; requiring a retirement fund investment authority study; authorizing certain bylaw amendments; making technical changes; appropriating money; amending Minnesota Statutes 2008, sections 3A.02, subdivision 4; 11A.04; 11A.23, subdivision 4; 13D.01, subdivision 1; 43A.17, subdivision 9; 43A.316, subdivision 8; 69.021, subdivision 10; 69.051, subdivision 3; 126C.41, subdivision 3; 256D.21; 352.01, subdivision 2a; 352.03, subdivision 4; 352.04, subdivision 9; 352.113, subdivision 1; 352.115, subdivisions 1, 10; 352.12, subdivision 2; 352.22, subdivisions 2, 3; 352.72, subdivisions 1, 2; 352.91, by adding a subdivision; 352.93, subdivisions 1, 2a, 3a; 352.931, subdivision 1; 352.965, subdivisions 1, 2, 6; 352B.02, as amended; 352B.08, subdivisions 1, 2a; 352B.11, subdivision 2b; 352B.30, subdivisions 1, 2; 352D.015, subdivisions 4, 9, by adding a subdivision; 352D.02, subdivisions 1c, 2, 3; 352D.03; 352D.04, subdivisions 1, 2; 352D.05,

subdivisions 3, 4; 352D.06, subdivision 3; 352D.065, subdivision 3; 352D.09, subdivisions 3, 7; 352F.07; 353.01, subdivisions 2b, 2d, by adding subdivisions; 353.0161, subdivision 2; 353.03, subdivision 1; 353.05; 353.27, as amended; 353.29, subdivision 1; 353.30, subdivision 1c; 353.32, subdivisions 1, 1a; 353.34, subdivisions 1, 2, 3, 6; 353.37, subdivisions 1, 2, 3, 3a, 4, 5; 353.46, subdivisions 2, 6; 353.64, subdivision 7; 353.651, subdivisions 1, 4; 353.657, subdivisions 1, 2a; 353.71, subdivisions 1, 2, 4; 353.86, subdivisions 1, 2; 353.87, subdivisions 1, 2; 353.88; 353D.01, subdivision 2; 353D.03, subdivision 1; 353D.04, subdivisions 1, 2; 353E.04, subdivisions 1, 4; 353E.07, subdivisions 1, 2; 353F.025, subdivisions 1, 2; 353F.03; 354.05, by adding a subdivision; 354.07, subdivision 5; 354.091; 354.42, subdivisions 3, 7, by adding subdivisions; 354.52, subdivision 6, by adding a subdivision; 354.66, subdivision 3; 354.71; 354A.011, subdivision 27; 354A.12, subdivisions 1, 3c, by adding a subdivision; 354A.27, subdivisions 5, 6, by adding a subdivision; 354A.31, subdivision 1; 354A.35, subdivision 1; 354A.37, subdivisions 2, 3, 4; 354A.39; 354B.25, subdivisions 1, 3; 354C.14; 355.095, subdivision 1; 356.214, subdivision 1; 356.215, subdivisions 3, 8; 356.216; 356.24, subdivision 1; 356.30, subdivisions 1, 3; 356.302, subdivisions 1, 3, 4, 5, 7; 356.303, subdivisions 2, 4; 356.315, subdivision 5; 356.351, subdivision 1; 356.407, subdivision 2; 356.431, subdivision 1; 356.465, subdivision 3; 356.47, subdivision 3; 356.50, subdivision 4; 356.64; 356.65, subdivision 2; 356.91; 356.96, subdivisions 2, 3, 7, 8; 356A.06, subdivision 8; 422A.101, subdivision 3; 422A.26; 473.511, subdivision 3; 473.606, subdivision 5; 475.52, subdivision 6; 490.123, by adding a subdivision; 518.58, subdivisions 3, 4; Minnesota Statutes 2009 Supplement, sections 6.67; 69.011, subdivision 1; 69.031, subdivision 5; 69.772, subdivision 6; 69.773, subdivision 6; 352.01, subdivision 2b; 352.75, subdivision 4; 352.95, subdivision 2; 352B.011, subdivision 3; 353.01, subdivisions 2, 2a, 16; 353.06; 353.27, subdivisions 2, 3, 7; 353.33, subdivision 1; 353.371, subdivision 4; 353.65, subdivisions 2, 3; 353F.02, subdivision 4; 353G.05, subdivision 2; 353G.06, subdivision 1; 353G.08; 353G.09, subdivision 3; 353G.11, subdivision 1, by adding a subdivision; 354.42, subdivision 2; 354.47, subdivision 1; 354.49, subdivision 2; 354.52, subdivision 4b; 354.55, subdivision 11; 354A.12, subdivision 2a; 356.20, subdivision 2; 356.215, subdivision 11; 356.32, subdivision 2; 356.351, subdivision 2; 356.401, subdivision 3; 356.415, subdivisions 1, 2, by adding subdivisions; 356.96, subdivisions 1, 5; 423A.02, subdivision 3; 424A.01, subdivisions 1, 6; 424A.015, by adding a subdivision; 424A.016, subdivisions 4, 7; 424A.02, subdivisions 9, 10; 424A.05, subdivision 3, by adding a subdivision; 424A.08; 480.181, subdivision 2; Laws 2006, chapter 271, article 3, section 43, as amended; Laws 2009, chapter 169, article 4, section 49; article 5, section 2; article 7, section 4; proposing coding for new law in Minnesota Statutes, chapters 352B; 353; 353G; 356; repealing Minnesota Statutes 2008, sections 13.63, subdivision 1; 69.011, subdivision 2a; 352.91, subdivision 5; 353.01, subdivision 40; 353.46, subdivision 1a; 353.88; 353D.03, subdivision 2; 353D.12; 354A.27, subdivision 1; 354C.15; 356.43; 422A.01, subdivisions 1, 2, 3, 4, 4a, 5, 6, 7, 8, 9, 10, 11, 12, 13a, 17, 18; 422A.02; 422A.03; 422A.04; 422A.05, subdivisions 1, 2a, 2b, 2c, 2d, 2e, 2f, 5, 6, 8; 422A.06, subdivisions 1, 2, 3, 5, 6, 7; 422A.08, subdivision 1; 422A.09; 422A.10; 422A.101, subdivisions 1, 1a, 2, 2a; 422A.11; 422A.12; 422A.13; 422A.14, subdivision 1; 422A.15; 422A.151; 422A.155; 422A.156; 422A.16, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 422A.17; 422A.18, subdivisions 1, 2, 3, 4, 5, 7; 422A.19; 422A.20; 422A.21; 422A.22, subdivisions 1, 3, 4, 6; 422A.23, subdivisions 1, 2, 5, 6, 7, 8, 9, 10, 11, 12; 422A.231; 422A.24; 422A.25; Minnesota Statutes 2009 Supplement, sections 422A.06, subdivision 8; 422A.08, subdivision 5; 424A.001, subdivision 6; Laws 2009, chapter 169, article 10, section 32.

Senate File No. 2918 is herewith returned to the Senate.

99TH DAY]

FRIDAY, MAY 7, 2010

10673

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 7, 2010

Senator Pogemiller, for Senator Betzold, moved that the Senate do not concur in the amendments by the House to S.F. No. 2918, 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. 2933: A bill for an act relating to human services; making changes to continuing care policy and technical provisions; amending Minnesota Statutes 2008, sections 245A.03, by adding a subdivision; 626.557, subdivision 9a; Minnesota Statutes 2009 Supplement, sections 144.0724, subdivision 11; 256B.0625, subdivision 19c; 256B.0651, by adding a subdivision; 256B.0652, subdivision 6; 256B.0659, subdivisions 4, 10, 11, 13, 21, 30, by adding a subdivision; 256B.0911, subdivision 2b.

Senate File No. 2933 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 7, 2010

Senator Pogemiller, for Senator Lourey, moved that the Senate do not concur in the amendments by the House to S.F. No. 2933, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3729.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 7, 2010

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 3729: A bill for an act relating to the financing and operation of state and local government; making policy, technical, administrative, payment, enforcement, collection, refund, and other changes to individual income; corporate franchise, estate, sales and use, local taxes, gross receipts, gross revenues, cigarette, tobacco, insurance, property, minerals, petroleum, and other taxes and tax-related provisions; requiring sunset of new tax expenditures; property tax reform,

accountability, value, and efficiency provisions; modifying certain payment schedules; making changes to tax-forfeited land, emergency debt certificate, local government aid, job opportunity building zone, special service district, agricultural preserve, tax increment financing, economic development authority, and special taxing district provisions; increasing and modifying certain borrowing authorities; modifying bond allocation provisions; specifying duties of assessors; requiring studies; providing appointments; repealing political contribution refund; appropriating money; amending Minnesota Statutes 2008, sections 60A.209, subdivision 1; 82B.035, subdivision 2; 103D.335, subdivision 17; 270.075, subdivisions 1, 2; 270.41, subdivision 5; 270A.03, subdivision 7; 270C.11, subdivision 4; 270C.34, subdivision 1; 270C.52, subdivision 2; 270C.87; 270C.94, subdivision 3; 272.0213; 272.025, subdivisions 1, 3; 272.029, subdivisions 4, 7; 273.061, subdivisions 7, 8; 273.113, subdivision 3; 273.1231, subdivision 1; 273.1232, subdivision 1; 273.124, subdivisions 1, 8, 14; 273.13, subdivision 34; 273.1392; 275.71, subdivisions 4, 5; 275.75; 276.02; 276.112; 279.01, subdivision 3; 279.025; 279.37, subdivision 1; 282.01, subdivisions 1, 1a, 1b, 1c, 1d, 2, 3, 4, 7, 7a, by adding subdivisions; 289A.08, subdivision 7; 289A.09, subdivision 2; 289A.10, subdivision 1; 289A.12, subdivision 14; 289A.30, subdivision 2; 289A.50, subdivisions 1, 2, 4; 289A.60, subdivision 7, by adding a subdivision; 290.014, subdivision 2; 290.067, subdivision 1; 290.081; 290.0921, subdivision 3; 290.17, subdivision 2; 290.21, subdivision 4; 290A.04, subdivision 2; 290B.03, by adding a subdivision; 290B.04, subdivisions 3, 4; 290B.05, subdivision 1; 291.03, by adding a subdivision; 295.55, subdivisions 2, 3; 297A.62, as amended; 297A.665; 297A.68, subdivision 39; 297A.70, subdivision 13; 297A.71, subdivisions 23, 39; 297A.995, subdivisions 10, 11; 297F.01, subdivision 22a; 297F.04, by adding a subdivision; 297F.07, subdivision 4; 297F.25, subdivision 1; 297I.01, subdivision 9; 297I.05, subdivision 7; 297I.30, subdivisions 1, 2, 7, 8; 297I.40, subdivisions 1, 5; 297I.65, by adding a subdivision; 298.282, subdivision 1; 428A.12; 428A.18, subdivision 2; 469.101, subdivision 1; 469.319, subdivision 5; 469.3193; 473.39, by adding a subdivision; 473H.05, subdivision 1; 474A.04, subdivision 6; 474A.091, subdivision 3; Minnesota Statutes 2009 Supplement, sections 134.34, subdivision 4; 137.025, subdivision 1; 273.114, subdivision 2; 273.124, subdivision 3a; 273.13, subdivisions 23, 25; 275.065, subdivision 3; 275.70, subdivision 5, as amended; 276.04, subdivision 2; 279.01, subdivision 1; 289A.18, subdivision 1; 289A.20, subdivision 4; 290.01, subdivisions 19a, 19b, as amended, 19d; 290.06, subdivision 2c; 290.0671, subdivision 1; 290.091, subdivision 2; 290B.03, subdivision 1; 291.005, subdivision 1, as amended; 297I.35, subdivision 2; 475.755; 477A.011, subdivision 36, as amended; 477A.013, subdivision 8; Laws 2001, First Special Session chapter 5, article 3, section 50, as amended; Laws 2002, chapter 377, article 3, section 25, as amended; Laws 2009, chapter 88, article 2, section 49; article 4, sections 5; 23, subdivision 4; Laws 2010, chapter 216, sections 2, subdivision 3; 3, subdivision 6; by adding subdivisions; 4, subdivisions 1, 2, 4, 6, 7, 8; proposing coding for new law in Minnesota Statutes, chapters 3; 6; 270C; 273; 296A; 524; 645; repealing Minnesota Statutes 2008, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 282.01, subdivisions 9, 10, 11; 290.06, subdivision 23; 297I.30, subdivisions 4, 5, 6; 383A.76.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3327, now on the Calendar.

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. 2918: Senators Betzold, Pappas, Lynch, Dille and Higgins.

S.F. No. 2933: Senators Lourey, Marty and Frederickson.

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

MEMBERS EXCUSED

Senators Marty and Rest were excused from the Session of today. Senator Chaudhary was excused from the Session of today from 12:00 noon to 12:40 p.m. Senators Johnson and Vandever were excused from the Session of today from 12:00 noon to 12:45 p.m. Senator Sieben was excused from the Session of today from 3:00 to 4:40 and from 5:30 to 6:00 p.m. Senator Lynch was excused from the Session of today from 3:25 to 3:50 p.m. Senator Frederickson was excused from the Session of today at 3:45 p.m. Senator Michel was excused from the Session of today at 4:00 p.m. Senator Berglin was excused from the Session of today from 4:45 to 7:20 p.m. Senator Lourey was excused from the Session of today at 5:00 p.m. Senator Foley was excused from the Session of today at 5:35 p.m. Senator Rummel was excused from the Session of today from 6:00 to 7:00 p.m. Senator Sheran was excused from the Session of today at 6:25 p.m. Senator Moua was excused from the Session of today at 6:30 p.m. Senator Senjem was excused from the Session of today from 6:40 to 6:55 and from 8:00 to 9:00 p.m. Senator Kubly was excused from the Session of today from 7:30 to 8:20 p.m. Senator Koering was excused from the Session of today at 8:00 p.m. Senator Fischbach was excused from the Session of today from 8:00 to 9:00 p.m. Senator Metzen was excused from the Session of today at 8:10 p.m. Senator Robling was excused from the Session of today at 8:55 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 9:30 a.m., Saturday, May 8, 2010. The motion prevailed.

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

