

## EIGHTY-NINTH DAY

St. Paul, Minnesota, Wednesday, April 12, 2006

The Senate met at 10:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Monsignor James D. Habiger.

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

Anderson	Foley	Koering	Murphy	Ruud
Bachmann	Frederickson	Kubly	Neuville	Saxhaug
Bakk	Gerlach	Langseth	Nienow	Scheid
Belanger	Hann	Larson	Olson	Senjem
Berglin	Higgins	LeClair	Ortman	Skoe
Betzold	Hottinger	Limmer	Pappas	Skoglund
Bonoff	Johnson, D.E.	Lourey	Pariseau	Solon
Chaudhary	Johnson, D.J.	Marko	Pogemiller	Sparks
Clark	Jungbauer	Marty	Ranum	Stumpf
Cohen	Kelley	McGinn	Reiter	Tomassoni
Day	Kierlin	Metzen	Rest	Vickerman
Dibble	Kiscaden	Michel	Robling	Wergin
Dille	Koch	Moua	Rosen	Wiger

The President declared a quorum present.

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

## REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3161** 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**

H.F. No.	S.F. No.
3161	2827

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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and that the above Senate File be indefinitely postponed.

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

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3374** 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**

H.F. No.	S.F. No.
3374	3055

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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and that the above Senate File be indefinitely postponed.

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

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3185** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.	S.F. No.
3185	2857

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3185 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3185, the first engrossment; and insert the language after the enacting clause of S.F. No. 2857, the second engrossment; further, delete the title of H.F. No. 3185, the first engrossment; and insert the title of S.F. No. 2857, the second engrossment.

And when so amended H.F. No. 3185 will be identical to S.F. No. 2857, and further recommends that H.F. No. 3185 be given its second reading and substituted for S.F. No. 2857, 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 Johnson, D.E., from the Committee on Rules and Administration, to which was**

**referred**

**H.F. No. 3449** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3449	2887				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3449 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3449, the first engrossment; and insert the language after the enacting clause of S.F. No. 2887, the first engrossment; further, delete the title of H.F. No. 3449, the first engrossment; and insert the title of S.F. No. 2887, the first engrossment.

And when so amended H.F. No. 3449 will be identical to S.F. No. 2887, and further recommends that H.F. No. 3449 be given its second reading and substituted for S.F. No. 2887, 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 Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3464** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3464	3079				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3464 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3464, the second engrossment; and insert the language after the enacting clause of S.F. No. 3079, the first engrossment; further, delete the title of H.F. No. 3464, the second engrossment; and insert the title of S.F. No. 3079, the first engrossment.

And when so amended H.F. No. 3464 will be identical to S.F. No. 3079, and further recommends that H.F. No. 3464 be given its second reading and substituted for S.F. No. 3079, 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 Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3665** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.	S.F. No.
3665	3096

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3665 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3665 and insert the language after the enacting clause of S.F. No. 3096, the second engrossment; further, delete the title of H.F. No. 3665 and insert the title of S.F. No. 3096, the second engrossment.

And when so amended H.F. No. 3665 will be identical to S.F. No. 3096, and further recommends that H.F. No. 3665 be given its second reading and substituted for S.F. No. 3096, and that the Senate File be indefinitely postponed.

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

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 3161, 3374, 3185, 3449, 3464 and 3665 were read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Belanger moved that his name be stricken as a co-author to S.F. No. 3131. The motion prevailed.

Senator Sparks moved that his name be stricken as a co-author to S.F. No. 3516. The motion prevailed.

**Senators Kelley, Bonoff, Rest, Michel and Hann introduced –**

**Senate Resolution No. 185:** A Senate resolution honoring the Hopkins Royals boys basketball team for its spectacular win in the State High School Class 4A Basketball Tournament as they take pride in their second consecutive win and third championship since 2002.

Referred to the Committee on Rules and Administration.

**Senator Hann introduced –**

**Senate Resolution No. 186:** A Senate resolution congratulating Andrew L. Cutler of Eden Prairie, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Hann introduced –**

**Senate Resolution No. 187:** A Senate resolution congratulating Shaun E. Skoog of Eden Prairie, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senators Tomassoni, Foley, Metzen, McGinn and Johnson, D.E. introduced –**

**Senate Resolution No. 188:** A Senate resolution congratulating Katie Better, Brian Hacker, and Dan Hager on their reception of the Minnesota Chiefs of Police Association's Distinguished Service Award

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Murphy introduced–**

**S.F. No. 3772:** A bill for an act relating to a uniform system of public schools; requiring the Department of Education to examine educational programs throughout Minnesota to determine if a general and uniform system of public schools exists; requiring a report; appropriating money.

Referred to the Committee on Finance.

**Senator Kierlin introduced–**

**S.F. No. 3773:** A bill for an act relating to agriculture; limiting water use permitting fees for aquaculture to no more than \$750 per year; amending Minnesota Statutes 2005 Supplement, section 103G.271, subdivision 6.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Hann introduced–**

**S.F. No. 3774:** A bill for an act relating to elections; presidential electors; providing for designation of certain presidential electors and specifying the duties of presidential electors; amending Minnesota Statutes 2005 Supplement, sections 208.03; 208.08.

Referred to the Committee on Elections.

**MOTIONS AND RESOLUTIONS - CONTINUED****Senators Kierlin and Day introduced –**

**Senate Resolution No. 189:** A Senate resolution congratulating the Winona State University men's basketball team on winning the 2006 NCAA Division II men's basketball championship.

WHEREAS, competitive sports in our colleges are helpful in teaching the principles of sportsmanship and fair play, thereby contributing to better citizenship; and

WHEREAS, the Winona State University men's basketball team participated in the 2006 NCAA Division II men's basketball tournament in March 2006; and

WHEREAS, they defeated the defending champion Virginia Union Panthers 73 to 61 in the final game of the tournament to win the national championship; and

WHEREAS, the Warriors finished the season with an outstanding 32 - 4 record and a 22-game winning streak; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that congratulations are extended to the members of the Winona State University men's basketball team for their sportsmanship and skill.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit it to the president of Winona State University.

Senator Kierlin moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

### RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 11:30 a.m. The motion prevailed.

The hour of 11:30 a.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce 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. 2750:** A bill for an act relating to eminent domain; defining public use or purpose; prohibiting the use of eminent domain for economic development; requiring clear and convincing evidence for certain takings; providing for attorney fees and other additional elements of compensation; making other changes in the exercise of eminent domain; amending Minnesota Statutes 2004, sections 117.025; 117.036; 117.055; 117.075, subdivision 1, by adding a subdivision; 117.085; 117.51; 117.52, subdivision 1, by adding a subdivision; 163.12, subdivisions 1a, 1b; proposing coding for new law in Minnesota Statutes, chapter 117.

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

Johnson, J.; Abrams; Davids; Anderson, B. and Thissen.

Senate File No. 2750 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 12, 2006

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Anderson moved that S.F. No. 1687 be taken from the table.

**S.F. No. 1687:** A bill for an act relating to energy; requiring utilities to meet certain renewable energy standards; amending Minnesota Statutes 2004, section 216B.1691.

### CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on S.F. No. 1687. The Sergeant at Arms was instructed to bring in the absent members.

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

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

Those who voted in the affirmative were:

Anderson	Cohen	Kiscaden	Moua	Skoglund
Belanger	Dibble	Kubly	Murphy	Stumpf
Berglin	Foley	Lourey	Pappas	Vickerman
Betzold	Higgins	Marko	Pogemiller	Wiger
Bonoff	Hottinger	Marty	Ranum	
Chaudhary	Johnson, D.E.	Metzen	Rest	
Clark	Kelley	Michel	Scheid	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	Limmer	Reiter	Solon
Bakk	Kierlin	McGinn	Robling	Sparks
Day	Koch	Neuville	Rosen	Tomassoni
Dille	Koering	Nienow	Ruud	Wergin
Frederickson	Langseth	Olson	Saxhaug	
Gerlach	Larson	Ortman	Senjem	
Hann	LeClair	Pariseau	Skoe	

The motion did not prevail.

### SPECIAL ORDERS

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 1459, 3216, 2646, H.F. No. 2645, S.F. No. 3246, H.F. Nos. 3169 and 3310.

### SPECIAL ORDER

**S.F. No. 1459:** A bill for an act relating to insurance; creating a statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2004, sections 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; Minnesota Statutes 2005 Supplement, section 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

Senator Wergin moved to amend S.F. No. 1459 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 43A.316, subdivision 1, is amended to read:

Subdivision 1. **Intent.** The legislature finds that the creation of a statewide program using best purchasing practices and innovative benefit design and administration to provide public employees, school districts employees, and other eligible persons with life insurance and hospital, medical, and dental benefit coverage through provider organizations would result in a greater utilization more efficient use of government resources and would advance the health and welfare of the citizens of the state.

Sec. 2. Minnesota Statutes 2004, section 43A.316, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purpose of this section, the terms defined in this subdivision have the meaning given them.

(a) **Commissioner.** "Commissioner" means the commissioner of employee relations.

(b) **Employee.** "Employee" means:

(1) a person who is a public employee within the definition of section 179A.03, subdivision 14, who is insurance eligible and is employed by an eligible employer;

(2) an elected public official of an eligible employer who is insurance eligible;

(3) a person employed by a labor organization or employee association certified as an exclusive representative of employees of an eligible employer or by another public employer approved by the commissioner, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32); or

(4) a person employed by a county or municipal hospital.

(c) **Eligible employer.** "Eligible employer" means:

(1) a public employer within the definition of section 179A.03, subdivision 15, that is a town, county, city, school district as defined in section 120A.05, service cooperative as defined in section 123A.21, intermediate district as defined in section 136D.01, Cooperative Center for Vocational Education as defined in section 123A.22, regional management information center as defined in section 123A.23, or an education unit organized under the joint powers action, section 471.59; or

(2) an exclusive representative of employees, as defined in paragraph (b);

(3) a county or municipal hospital; or

(4) another public employer approved by the commissioner.

(d) **Exclusive representative.** "Exclusive representative" means an exclusive representative as defined in section 179A.03, subdivision 8.

(e) **Labor-Management Committee.** "Labor-Management Committee" means the committee established by subdivision 4.

(f) **Program.** "Program" means the statewide public ~~employees insurance~~ buyers group program created by subdivision 3.

Sec. 3. Minnesota Statutes 2004, section 43A.316, subdivision 3, is amended to read:

Subd. 3. **Public ~~employee insurance~~ buyers group program.** The commissioner shall be the administrator of the public ~~employee insurance~~ buyers group program and may determine its funding arrangements. The commissioner shall model the program after the plan established in section 43A.18, subdivision 2, but may modify that plan, in consultation with the Labor-Management Committee. The commissioner, or the commissioner's designated representatives, shall be consulted in discussions or studies by state agencies related to improving statewide health care



quality, outcomes, and costs. The commissioner may:

(1) Develop and administer separately rated programs within the public buyers group program, including a separately rated and administered program for employees of public school districts. Separate programs within the public buyers group program may be pilot or demonstration programs, or permanent programs.

(2) Develop, implement, and administer demonstration or pilot programs to help explore methods for improving the effectiveness and value of the public buyers group program.

(3) Conduct evaluations and studies to determine the effectiveness and impact of pilot, demonstration, or other programs as part of the public buyers group program.

(4) Develop, adopt, modify, and implement strategies to control health care costs and to improve health care outcomes, including, but not limited to, health care cost and quality measurement and reporting strategies, pay-for-performance strategies, value-based purchasing strategies, and other demonstrated or emerging best practices in health care purchasing.

(5) In consultation with the labor management committee described in subdivision 4, develop, adopt, modify and administer innovative health benefit designs, including possible tiered arrangements, high-deductible plans with health care savings accounts, special provider networks, limited benefit plans, incentive programs for healthy behaviors and health improvement, and other health benefit designs.

(6) Temporarily suspend or limit new entrant groups into the public buyers group program if necessary to maintain the quality, effectiveness, and viability of the program.

(7) Participate as part of broader community, regional, or national alliances or initiatives, including joint public-private sector efforts, improve health care purchasing, and health care costs, quality, and outcomes.

(8) Develop, implement, and administer a Web site and related capabilities to provide members and the public with information and a means to make inquiries to the public buyers group program. The Web site may include information on the program's goals and its performance in reaching the goals.

Sec. 4. Minnesota Statutes 2004, section 43A.316, is amended by adding a subdivision to read:

Subd. 3a. **Health improvement programs.** The commissioner is authorized to plan, develop, purchase, administer, and evaluate disease management and other programs, strategies, and incentives to improve the health and health outcomes of members.

Sec. 5. Minnesota Statutes 2004, section 43A.316, subdivision 4, is amended to read:

Subd. 4. **Labor-Management Committee.** The Labor-Management Committee consists of ten members appointed by the ~~commissioner~~ governor. The Labor-Management Committee must comprise five members who represent employees, including at least one retired employee, and five members who represent eligible employers. Committee members are eligible for expense reimbursement in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. The commissioner shall consult with the labor-management committee in major decisions that affect the program. The committee shall study issues relating to the insurance program including, but not limited to, flexible benefits, utilization review, quality assessment, and cost efficiency. The committee continues to exist while the program remains in operation.

Sec. 6. Minnesota Statutes 2004, section 43A.316, subdivision 5, is amended to read:

Subd. 5. **Public employee participation.** (a) Participation in the program is subject to the conditions in this subdivision.

(b) Each exclusive representative for an eligible employer determines whether the employees it represents will participate in the program. The exclusive representative shall give the employer notice of intent to participate at least 30 days before the expiration date of the collective bargaining agreement preceding the collective bargaining agreement that covers the date of entry into the program. The exclusive representative and the eligible employer shall give notice to the commissioner of the determination to participate in the program at least 30 days before entry into the program. Entry into the program is governed by a schedule established by the commissioner.

(c) Employees not represented by exclusive representatives may become members of the program upon a determination of an eligible employer to include these employees in the program. Either all or none of the employer's unrepresented employees must participate. The eligible employer shall give at least 30 days' notice to the commissioner before entering the program. Entry into the program is governed by a schedule established by the commissioner.

(d) Participation in the program is for a ~~two-year~~ three-year term. Participation is automatically renewed for an additional two-year term unless the exclusive representative, or the employer for unrepresented employees, gives the commissioner notice of withdrawal at least 30 days before expiration of the participation period. A group that withdraws must wait two years before rejoining. An exclusive representative, or employer for unrepresented employees, may also withdraw if premiums increase 50 percent or more from one insurance year to the next. The commissioner may modify the participation requirement as part of a demonstration or pilot effort. Any modifications must be clearly communicated to all employers who are members of the public buyers group program, and incorporated in any information about the program, at least 60 days prior to the change becoming effective. The modifications must apply on an equal basis to all current and prospective employers enrolled in the program.

(e) The commissioner, in consultation with the Labor-Management Committee and other experts, may explore mutual gain-sharing arrangements, discounts, incentives, or penalties for public employers based on the length of their continuous membership in the public buyers group program and other factors. Any incentives for long-term membership in the program must be consistent with the program's goals; maintaining the overall integrity and viability of the program; other applicable laws, rules, and policies; and available to all groups on equal terms. The terms of any incentives for long-term participation in the program must be clearly communicated to all employers who are members of the public buyers group program, and incorporated in any information about the program. Any administration of, or changes to the incentives, must be communicated at least 180 days prior to each employer's renewal date before the change may become effective. The commissioner, in consultation with the Labor-Management Committee, shall report to the legislature and the governor by January 15, 2008, and annually thereafter, on the adequacy of the participation requirement and any special incentives based on the length of participation, in helping maintain the stability and effectiveness of the public buyers group program.

~~(e)~~ (f) The exclusive representative shall give the employer notice of intent to withdraw to the commissioner at least 30 days before the expiration date of a collective bargaining agreement that includes the date on which the term of participation expires.

~~(f)~~ (g) Each participating eligible employer shall notify the commissioner of names of individuals who will be participating within two weeks of the commissioner receiving notice of the parties' intent to participate. The employer shall also submit other information as required by the commissioner for administration of the program.

Sec. 7. Minnesota Statutes 2004, section 43A.316, is amended by adding a subdivision to read:

Subd. 5a. **Participating employer rights to data.** Employers participating in the public buyers group program shall not be refused or impeded by the program in their efforts to obtain the utilization or claims data needed by the employer to seek alternative bids for insurance coverage. The ability of participating employers to secure their data for the purposes of seeking alternative

bids for coverage exists regardless of any other program participation requirements or incentives for long-term participation in the program. Participating employers will not be charged for the report generated to satisfy this subdivision.

Sec. 8. Minnesota Statutes 2004, section 43A.316, is amended by adding a subdivision to read:

Subd. 5b. **School districts.** School districts eligible for the public buyers group program must request bids for insurance coverage through the public buyers group program at least once every four years. This subdivision does not require school districts eligible for the program to purchase coverage through the program. Other public employers are encouraged to seek bids from the public buyers group program at least once every four years.

Sec. 9. Minnesota Statutes 2004, section 43A.316, is amended by adding a subdivision to read:

Subd. 9a. **Report.** The commissioner shall report biennially to the governor and legislature on March 1 of each odd-numbered year. The report will include information on membership, finances, operations, effectiveness, and impact of the public buyers group program. The report may include discussion of changes and innovations, particularly with respect to improving health care costs, quality, and outcomes, and any issues or challenges faced by the program and how they might be addressed. The report will be posted on a Web site maintained by or for the public buyers group program, and must be available to the public.

Sec. 10. Minnesota Statutes 2004, section 43A.316, subdivision 10, is amended to read:

Subd. 10. **Exemption.** The public ~~employee insurance~~ buyers group program and, where applicable, the employers participating in it are exempt from chapters 60A, 62A, 62C, 62D, 62E, and 62H, section 471.617, subdivisions 2 and 3, and the bidding requirements of section 471.6161. Nothing in this statute or other statutes shall limit the commissioner's ability to develop and test innovative health insurance benefit designs for the public buyers group program.

Sec. 11. **APPROPRIATION.**

Notwithstanding Minnesota Statutes, section 295.581, \$60,000 in fiscal year 2006 and \$2,260,000 in fiscal year 2007 are appropriated from the health care access fund to the commissioner of employee relations for onetime administrative costs for marketing, communication, plan administration, and the development of a data warehouse to support the Public Buyers Group.

Sec. 12. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the headnote for Minnesota Statutes, section 43A.316, to read "PUBLIC BUYERS GROUP PROGRAM."

Amend the title accordingly

### CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 1459. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Larson	Olson	Rosen
Belanger	Hann	LeClair	Ortman	Ruud
Bonoff	Johnson, D.J.	Limmer	Pariseau	Senjem
Day	Kierlin	McGinn	Pogemiller	Wergin
Dibble	Koch	Michel	Reiter	Wiger
Dille	Koering	Nienow	Robling	

Those who voted in the negative were:

Anderson	Foley	Kubly	Murphy	Skoe
Bakk	Frederickson	Langseth	Neuville	Skoglund
Berglin	Higgins	Lourey	Pappas	Solon
Betzold	Hottinger	Marko	Ranum	Sparks
Chaudhary	Johnson, D.E.	Marty	Rest	Stumpf
Clark	Jungbauer	Metzen	Saxhaug	Tomassoni
Cohen	Kelley	Moua	Scheid	Vickerman

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

S.F. No. 1459 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kubly	Neuville	Skoglund
Bakk	Foley	Langseth	Pappas	Solon
Berglin	Frederickson	Lourey	Pogemiller	Sparks
Betzold	Higgins	Marko	Rest	Stumpf
Chaudhary	Johnson, D.E.	Marty	Rosen	Tomassoni
Clark	Jungbauer	Metzen	Saxhaug	Vickerman
Cohen	Kelley	Moua	Scheid	
Dibble	Koering	Murphy	Senjem	

Those who voted in the negative were:

Bachmann	Hottinger	LeClair	Ortman	Skoe
Belanger	Johnson, D.J.	Limmer	Pariseau	Wergin
Bonoff	Kierlin	McGinn	Ranum	Wiger
Day	Kiscaden	Michel	Reiter	
Gerlach	Koch	Nienow	Robling	
Hann	Larson	Olson	Ruud	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 3216:** A bill for an act relating to housing; regulating condominium conversions; amending Minnesota Statutes 2005 Supplement, section 515B.1-106.

Senator Dibble moved to amend S.F. No. 3216 as follows:

Page 2, line 22, reinstate the stricken language and after "hereunder" insert "that prohibits the conversion of buildings to the common interest community form of ownership"

Page 2, line 23, reinstate the stricken language

The motion prevailed. So the amendment was adopted.

S.F. No. 3216 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Berglin	Chaudhary	Day	Foley
Bakk	Betzold	Clark	Dibble	Frederickson
Belanger	Bonoff	Cohen	Dille	Gerlach



Bonoff	Hottinger	LeClair	Olson	Skoe
Chaudhary	Johnson, D.E.	Limmer	Pappas	Skoglund
Clark	Johnson, D.J.	Lourey	Pariseau	Solon
Cohen	Jungbauer	Marko	Ranum	Sparks
Day	Kelley	Marty	Reiter	Stumpf
Dibble	Kierlin	McGinn	Rest	Tomassoni
Dille	Kiscaden	Metzen	Robling	Vickerman
Foley	Koch	Michel	Rosen	Wergin
Frederickson	Koering	Moua	Ruud	Wiger
Gerlach	Kubly	Murphy	Saxhaug	
Hann	Langseth	Neuville	Scheid	
Higgins	Larson	Nienow	Senjem	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 3246:** A bill for an act relating to transportation; commuter rail; authorizing the commissioner to contract for use of railroad right-of-way; regulating civil liability; amending Minnesota Statutes 2004, section 174.82.

Senator Betzold moved to amend S.F. No. 3246 as follows:

Page 2, line 2, after "responsibility" insert ", indemnification,"

The motion prevailed. So the amendment was adopted.

S.F. No. 3246 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Bakk	Frederickson	Kubly	Olson	Senjem
Belanger	Hann	Langseth	Ortman	Skoe
Berglin	Higgins	Larson	Pappas	Skoglund
Betzold	Hottinger	Lourey	Pariseau	Solon
Bonoff	Johnson, D.E.	Marko	Pogemiller	Sparks
Chaudhary	Johnson, D.J.	Marty	Ranum	Stumpf
Clark	Jungbauer	McGinn	Rest	Tomassoni
Cohen	Kelley	Metzen	Robling	Vickerman
Day	Kierlin	Michel	Rosen	Wiger
Dibble	Kiscaden	Moua	Ruud	
Dille	Koch	Neuville	Saxhaug	
Foley	Koering	Nienow	Scheid	

Those who voted in the negative were:

Bachmann	Gerlach	LeClair	Limmer	Reiter
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So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3169:** A bill for an act relating to local government; prohibiting units of local government from imposing certain fees related to students at postsecondary institutions; proposing coding for new law in Minnesota Statutes, chapter 471.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Bachmann	Gerlach	Kubly	Neuville	Saxhaug
Bakk	Hann	Langseth	Nienow	Senjem
Belanger	Higgins	Larson	Olson	Skoe
Berglin	Hottinger	LeClair	Ortman	Skoglund
Betzold	Johnson, D.E.	Limmer	Pariseau	Sparks
Bonoff	Johnson, D.J.	Lourey	Pogemiller	Stumpf
Chaudhary	Jungbauer	Marko	Ranum	Tomassoni
Clark	Kelley	Marty	Reiter	Vickerman
Cohen	Kierlin	McGinn	Rest	Wiger
Day	Kiscaden	Metzen	Robling	
Foley	Koch	Michel	Rosen	
Frederickson	Koering	Murphy	Ruud	

Those who voted in the negative were:

Dibble	Moua	Pappas	Scheid	Solon
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So the bill passed and its title was agreed to.

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated H.F. No. 2994 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 2994:** A bill for an act relating to natural resources; allowing for the replacement and repair of boat storage structures on public waters; amending Minnesota Statutes 2005 Supplement, section 103G.245, subdivision 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Bachmann	Frederickson	Kubly	Nienow	Scheid
Bakk	Gerlach	Langseth	Olson	Senjem
Belanger	Hann	LeClair	Ortman	Skoe
Berglin	Higgins	Limmer	Pappas	Skoglund
Betzold	Hottinger	Lourey	Pariseau	Solon
Bonoff	Johnson, D.E.	Marko	Pogemiller	Sparks
Chaudhary	Johnson, D.J.	Marty	Ranum	Stumpf
Clark	Jungbauer	McGinn	Reiter	Tomassoni
Cohen	Kelley	Metzen	Rest	Vickerman
Day	Kierlin	Michel	Robling	Wergin
Dibble	Kiscaden	Moua	Rosen	Wiger
Dille	Koch	Murphy	Ruud	
Foley	Koering	Neuville	Saxhaug	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3310:** A bill for an act relating to state government; authorizing advance deposits or payments for boat slip rental; amending Minnesota Statutes 2004, section 16A.065.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Kubly	Neville	Saxhaug
Bakk	Gerlach	Langseth	Nienow	Scheid
Belanger	Hann	Larson	Olson	Senjem
Berglin	Higgins	LeClair	Ortman	Skoe
Betzold	Hottinger	Limmer	Pappas	Skoglund
Bonoff	Johnson, D.E.	Lourey	Pariseau	Solon
Chaudhary	Johnson, D.J.	Marko	Pogemiller	Sparks
Clark	Jungbauer	Marty	Ranum	Stumpf
Cohen	Kelley	McGinn	Reiter	Tomassoni
Day	Kierlin	Metzen	Rest	Vickerman
Dibble	Kiscaden	Michel	Robling	Wergin
Dille	Koch	Moua	Rosen	Wiger
Foley	Koering	Murphy	Ruud	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Consent Calendar.

### CONSENT CALENDAR

**H.F. No. 680:** A bill for an act relating to landlord and tenant; providing a clarification relating to certain utility metering and billing; amending Minnesota Statutes 2004, section 504B.215, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Bachmann	Frederickson	Kubly	Nienow	Scheid
Bakk	Gerlach	Langseth	Olson	Senjem
Belanger	Hann	Larson	Ortman	Skoe
Berglin	Higgins	LeClair	Pappas	Skoglund
Betzold	Hottinger	Limmer	Pariseau	Solon
Bonoff	Johnson, D.E.	Lourey	Pogemiller	Sparks
Chaudhary	Johnson, D.J.	Marko	Ranum	Stumpf
Clark	Jungbauer	McGinn	Reiter	Tomassoni
Cohen	Kelley	Metzen	Rest	Vickerman
Day	Kierlin	Michel	Robling	Wergin
Dibble	Kiscaden	Moua	Rosen	Wiger
Dille	Koch	Murphy	Ruud	
Foley	Koering	Neville	Saxhaug	

So the bill passed and its title was agreed to.



**MEMBERS EXCUSED**

Senators Fischbach and Sams were excused from the Session of today. Senator Moua was excused from the Session of today from 10:00 to 11:30 a.m. Senator Jungbauer was excused from the Session of today from 11:30 a.m. to 12:10 p.m. Senator Anderson was excused from the Session of today from 12:00 noon to 1:00 p.m.

**ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Tuesday, April 18, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

