

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

ONE HUNDRED ELEVENTH DAY

St. Paul, Minnesota, Monday, May 5, 2008

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Mark Innocenti.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 30, 2008

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. 3218, 3069 and 2511.

Sincerely,
Tim Pawlenty, Governor

April 30, 2008

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 2008 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 2008	Date Filed 2008
3218		250	3:19 p.m. April 30	April 30
3069		251	3:20 p.m. April 30	April 30
2511		252	3:22 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 Files, herewith returned: S.F. Nos. 3213, 3508 and 3715.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 2008

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. 3363: A bill for an act relating to state government; improving access to budget information by members of the legislature; specifying the development of budget recommendations and requiring state agencies to provide information; establishing a subcommittee of the Legislative Commission on Planning and Fiscal Policy; requiring disclosure of status of fiscal note requests; providing for appeal of fiscal note conclusions; modifying state budget requirements; incorporating Minnesota Milestones goals and indicators in budget preparation; requiring commissioner of finance to adjust for projected inflation in forecasting state expenditures; requiring a forecast of cash flow for the general fund; providing deadline for modifying budget after February forecast; specifying format for detailed budget estimates of expenditures; imposing deadline for notice of deficiency requests; providing a process to increase the budget reserve; requiring state agencies with certain information and telecommunications technology projects to register with the Office of Enterprise Technology and requiring the office to monitor progress on the projects; requiring the Office of Enterprise Technology to report to the legislature regarding its approval process for state agency technology requests and assistance provided to state agencies in developing agency information systems plans; providing additional whistleblower protection to state employees; providing additional duties for the Sesquicentennial Commission; establishing a working group; eliminating obsolete requirements; amending Minnesota Statutes 2006, sections 3.885, subdivisions 4, 5, by adding subdivisions; 3.98, subdivision 4, by adding a subdivision; 3.987, subdivision 1, as amended; 13.605, subdivision 1; 16A.10, subdivisions 1, 1c, 2, by adding a subdivision; 16A.103, subdivisions 1a, 1b; 16A.11, subdivisions 1, 3, by adding a subdivision; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.04, subdivision 2; Minnesota Statutes 2007 Supplement, sections 16A.152, subdivision 2; 181.932, subdivision 1; Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2006, section 16A.152, subdivision 1b.

Senate File No. 3363 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 2008

Senator Cohen moved that the Senate do not concur in the amendments by the House to S.F. No. 3363, 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. 3292, 3498, 3955 and 3222.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 1, 2008

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 3292: A bill for an act relating to education; managing school trust fund lands; improving the returns for school trust fund lands; redefining the mission of the Permanent School Fund Advisory Committee; providing a report; amending Minnesota Statutes 2006, sections 16A.06, by adding a subdivision; 84.027, by adding a subdivision; 127A.30.

Referred to the Committee on Finance.

H.F. No. 3498: A bill for an act relating to public safety; authorizing compensation for members of Firefighter Training and Education Board; amending Minnesota Statutes 2006, section 299N.02, subdivision 2.

Referred to the Committee on Judiciary.

H.F. No. 3955: A bill for an act relating to human services; modifying regulations of certain home care service providers; promoting community-based care for older adults through the establishment of community consortiums; requiring reports; amending Minnesota Statutes 2006, section 144A.45, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3673, now on General Orders.

H.F. No. 3222: A bill for an act relating to human services; amending health care services provisions; making changes to general assistance medical care, medical assistance, and MinnesotaCare; modifying claims, liens, and treatment of assets; establishing a statewide information exchange; amending Minnesota Statutes 2006, sections 245.462, subdivision 18; 245.470, subdivision 1; 245.4871, subdivision 27; 245.488, subdivision 1; 256B.056, subdivisions 2, 4a, 11, by adding a subdivision; 256B.057, subdivision 1; 256B.0571, subdivisions 8, 9, 15, by adding a subdivision; 256B.058; 256B.059, subdivisions 1, 1a; 256B.0594; 256B.0595, subdivisions 1, 2, 3, 4, by adding subdivisions; 256B.0624, subdivisions 5, 8; 256B.0625, subdivision 13g; 256B.075, subdivision 2; 256B.0943, subdivision 1; 256B.15, subdivision 4; 256B.69, subdivisions 6, 27, 28; 256J.08, subdivision 73a; 524.3-803; Minnesota Statutes 2007 Supplement, sections 256.01, subdivision 2b; 256B.055, subdivision 14; 256B.0623, subdivision 5; 256B.0625, subdivision 49; 256D.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 256B.

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3222 and that the rules of the Senate be so far suspended as to give H.F. No. 3222 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 3222 was read the second time.

Senator Berglin moved to amend H.F. No. 3222 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 3222, and insert the language after the enacting clause, and the title, of S.F. No. 3168, the third engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 3222 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 56 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fischbach	Hann	Johnson	Limmer	Ortman
Gerlach	Ingebrigtsen	Jungbauer	Michel	Vandev eer

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

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. 3585 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.
3585	3160				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3585 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3585, the fourth engrossment; and insert the language after the enacting clause of S.F. No. 3160, the second engrossment; further, delete the title of H.F. No. 3585, the fourth engrossment; and insert the title of S.F. No. 3160, the second engrossment.

And when so amended H.F. No. 3585 will be identical to S.F. No. 3160, and further recommends

that H.F. No. 3585 be given its second reading and substituted for S.F. No. 3160, 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. 3699 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.
3699	3373				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3699 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3699, the second engrossment; and insert the language after the enacting clause of S.F. No. 3373, the first engrossment; further, delete the title of H.F. No. 3699, the second engrossment; and insert the title of S.F. No. 3373, the first engrossment.

And when so amended H.F. No. 3699 will be identical to S.F. No. 3373, and further recommends that H.F. No. 3699 be given its second reading and substituted for S.F. No. 3373, 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. 3585 and 3699 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Pogemiller moved that the names of Senators Sieben and Scheid be added as co-authors to S.F. No. 2211. The motion prevailed.

Senator Torres Ray moved that the name of Senator Latz be added as a co-author to S.F. No. 3590. The motion prevailed.

Senator Pogemiller moved that the name of Senator Sieben be added as a co-author to S.F. No. 3854. The motion prevailed.

Senator Wiger moved that the name of Senator Sheran be added as a co-author to S.F. No. 3862. The motion prevailed.

Senators Sieben and Murphy introduced –

Senate Resolution No. 196: A Senate resolution honoring Hastings resident Lew Linde on his 80th birthday, as he celebrates a life filled with progressive activities, challenges, and opportunities and looks forward with anticipation to future successes and meaningful relationships.

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 Pogemiller introduced–

S.F. No. 3864: A bill for an act relating to public finance; allocating additional tax-exempt bonding authority; clarifying application of certain rent restrictions; amending Minnesota Statutes 2006, section 474A.047, subdivision 1.

Referred to the Committee on Taxes.

Senator Marty introduced–

S.F. No. 3865: A bill for an act relating to public disclosure; expanding the definition of public official in the campaign finance and public disclosure law; amending Minnesota Statutes 2007 Supplement, section 10A.01, subdivision 35.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Jungbauer introduced–

S.F. No. 3866: A bill for an act relating to public safety; clarifying the law on inattentive driving and failure to exercise due care; providing for enhanced criminal penalties for certain violations of the traffic code that result in personal injury or property damage; requiring the commissioner of public safety to include information on inattentive driving in driver's manual; requiring the distribution of a traffic law summary to peace officers; amending Minnesota Statutes 2006, sections 169.89, by adding subdivisions; 171.13, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

Senators Berglin, Pappas, Higgins, Marty and Pogemiller introduced–

S.F. No. 3867: A bill for an act relating to airlines; requiring the state to declare agreements in default under certain circumstances; requiring the state to pursue contractual, legal, and equitable remedies for default.

Referred to the Committee on Business, Industry and Jobs.

MOTIONS AND RESOLUTIONS - CONTINUED

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

CALENDAR

S.F. No. 3140: A bill for an act relating to boiler operations; making changes to licensing procedures; authorizing rulemaking; amending Minnesota Statutes 2006, sections 183.411, subdivision 3; 183.545, subdivision 4; Minnesota Statutes 2007 Supplement, sections 183.501; 183.51.

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:

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

So the bill passed and its title was agreed to.

S.F. No. 3056: A bill for an act relating to natural resources; modifying permanent school fund provisions; providing for disposition of proceeds from sale of administrative sites; modifying certain requirements for environmental learning centers; appropriating money; amending Minnesota Statutes 2006, sections 16A.06, by adding a subdivision; 84.027, by adding a subdivision; 84.0857; 84.0875; 94.16, subdivision 3; 127A.30.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Bonoff	Dahle	Doll	Frederickson
Bakk	Carlson	Day	Erickson Ropes	Gerlach
Berglin	Clark	Dibble	Fischbach	Gimse
Betzold	Cohen	Dille	Foley	Hann

Higgins	Limmer	Olson, M.	Saltzman	Tomassoni
Ingebrigtsen	Lourey	Ortman	Saxhaug	Torres Ray
Johnson	Lynch	Pappas	Scheid	Vandever
Jungbauer	Marty	Pariseau	Senjem	Vickerman
Koch	Metzen	Pogemiller	Sheran	Wergin
Koering	Michel	Prettner Solon	Sieben	Wiger
Kubly	Moua	Rest	Skoe	
Langseth	Murphy	Robling	Skogen	
Larson	Olseen	Rosen	Sparks	
Latz	Olson, G.	Rummel	Stumpf	

So the bill passed and its title was agreed to.

RECONSIDERATION

Having voted on the prevailing side, Senator Pogemiller moved that the vote whereby S.F. No. 3140 was passed by the Senate on May 5, 2008, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 3140 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CALENDAR - CONTINUED

S.F. No. 3122: A bill for an act relating to health; providing for a limited general dentist license for certain practitioners; providing for a study of alternative approaches to offering dental coverage to enrollees of public programs; amending Minnesota Statutes 2006, section 150A.06, 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 60 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Johnson	Koch	Limmer	Vandever	Wergin
---------	------	--------	----------	--------

So the bill passed and its title was agreed to.

S.F. No. 3594: A bill for an act relating to commerce; regulating real estate transactions; defining terms; regulating closing agents; amending Minnesota Statutes 2006, sections 60A.06, subdivision 1; 68A.04; 82.17, subdivision 3; 82.49.

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:

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

So the bill passed and its title was agreed to.

H.F. No. 3376: A bill for an act relating to human services; amending the MFIP work participation program; changing child care assistance provisions; changing the child care assistance sliding fee scale; establishing a child care advisory task force; requiring a mandated report; making technical changes; amending Minnesota Statutes 2006, sections 119B.011, subdivision 17; 119B.03, subdivisions 1, 6; 119B.09, subdivisions 1, 9; 119B.125, by adding a subdivision; 119B.21, subdivision 10; 256E.30, subdivision 1; 256E.35, subdivision 7; 256J.24, subdivision 5; 256J.39, by adding a subdivision; 256J.425, subdivision 1; 256J.521, subdivision 4; 256J.54, subdivisions 2, 5; 256J.545; Minnesota Statutes 2007 Supplement, sections 119B.12; 119B.125, subdivision 2; 119B.13, subdivisions 1, 7; 119B.21, subdivision 5; 119B.231, subdivision 5; 245C.08, subdivision 2; 256E.35, subdivision 2; 256J.20, subdivision 3; 256J.49, subdivision 13; 256J.626, subdivisions 3, 7; 256J.95, subdivision 3; repealing Minnesota Statutes 2006, section 256K.25.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 16, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Hann	Koch	Pariseau
Fischbach	Ingebrigtsen	Limmer	Rosen
Gerlach	Johnson	Olson, G.	Vandever
Gimse	Jungbauer	Ortman	Wergin

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2379 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2379

A bill for an act relating to eminent domain; amending provisions concerning reestablishment costs limit; amending Minnesota Statutes 2006, sections 117.51; 117.52, subdivision 1a.

April 25, 2008

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. 2379 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: (Signed) Thomas M. Bakk, Steve Murphy, Julianne E. Ortman

House Conferees: (Signed) David Dill, Cy Thao, Denny McNamara

Senator Bakk moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2379 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. 2379 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	Doll	Koering	Olson, G.	Senjem
Bakk	Erickson Ropes	Kubly	Olson, M.	Sheran
Berglin	Fischbach	Langseth	Ortman	Sieben
Betzold	Foley	Larson	Pappas	Skoe
Bonoff	Frederickson	Latz	Pariseau	Skogen
Carlson	Gerlach	Limmer	Pogemiller	Sparks
Chaudhary	Gimse	Lourey	Prettner Solon	Stumpf
Clark	Hann	Lynch	Robling	Tomassoni
Cohen	Higgins	Marty	Rosen	Torres Ray
Dahle	Ingebrigtsen	Metzen	Rummel	Vanderveer
Day	Johnson	Michel	Saltzman	Vickerman
Dibble	Jungbauer	Moua	Saxhaug	Wergin
Dille	Koch	Olseen	Scheid	Wiger

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2909 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2909

A bill for an act relating to landlord and tenant; modifying right of tenant to pay utility bills; amending Minnesota Statutes 2006, section 504B.215, subdivision 3.

April 29, 2008

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. 2909 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2909 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 504B.215, subdivision 2, is amended to read:

Subd. 2. **Single-meter utility service payments.** ~~In a residential leasehold contract entered into or renewed on or after August 1, 1995~~ Except as provided in subdivision 3, the landlord of a single-metered residential building shall be the bill payer responsible, and shall be the customer of record contracting with the utility for utility services. The landlord must advise the utility provider that the utility services apply to a single-metered residential building. A failure by the landlord to comply with this subdivision is a violation of sections 504B.161, subdivision 1, clause (1), and 504B.221. This subdivision may not be waived by contract or otherwise. This subdivision does not require a landlord to contract and pay for utility service provided to each residential unit through a separate meter which accurately measures that unit's use only. This subdivision does not prohibit a landlord from apportioning utility service payments among residential units and either including utility costs in a unit's rent or billing for utility charges separate from rent.

Sec. 2. Minnesota Statutes 2006, section 504B.215, subdivision 3, is amended to read:

Subd. 3. **Procedure.** (a) When a municipality, utility company, or other company supplying home heating oil, propane, natural gas, electricity, or water to a building has issued a final notice or has posted the building proposing to disconnect or discontinue the service to the building because a landlord who has contracted for the service has failed to pay for it or because a landlord is required by law or contract to pay for the service and fails to do so, a tenant or group of tenants may pay to have the service continued or reconnected as provided under this section. If a building is posted, the posting must be placed in at least one conspicuous location in the building and provide tenants with, at a minimum, the following information:

- (1) the date the service will be discontinued;
- (2) the telephone number to call at the utility to obtain further information;
- (3) a brief description of the rights of tenants under this section to continue or restore service;
and
- (4) advice to consider seeking assistance from legal aid, a private attorney, or a housing organization in exercising the rights of tenants under Minnesota law to maintain their utility service.

Before paying for the service, the tenant or group of tenants shall give oral or written notice to the landlord of the tenant's intention to pay after 48 hours, or a shorter period that is reasonable under the circumstances, if the landlord has not already paid for the service. In the case of oral notification, written notice shall be mailed or delivered to the landlord within 24 hours after oral notice is given.

(b) ~~In the case of natural gas, or electricity, or water, if the landlord has not yet paid the bill by the time of the tenant's intended payment, or if the service remains discontinued, the tenant or tenants may pay the outstanding bill~~ current charges for the most recent billing period, if and the utility company or municipality will must restore the service for at least one billing period. In a residential building with less than five units, one of the tenants may notify the utility company or municipality that the tenant agrees to become the bill payer responsible and customer of record and the utility company or municipality must place the account disconnected or subject to disconnection in the tenant's name and provide service prospectively, provided the tenant satisfies all requirements for establishing service. A tenant becoming the customer of record of a cooperative electric association does not acquire membership rights. Exercise of the right to pay the current charges for the most recent billing period does not preclude exercising the right to become the bill payer responsible and customer of record, provided that if there are multiple tenants in an affected multifamily building, the

utility company or municipality is not required to offer the right to become the bill payer responsible and the customer of record to more than one tenant in a 12-month period.

(c) In the case of water, if the landlord has not paid the bill by the time of the tenant's intended payment or if the service remains discontinued, upon request from a tenant, a municipality must provide a copy of each bill the landlord fails to pay. The tenant:

(1) has a continuing right to pay the current charges for the most recent billing period and retain service;

(2) has the period of time provided by the governing ordinance, policy, or practice within which to pay the charges;

(3) is not subject to any deposit requirements; and

(4) is entitled to reasonable notice of any disconnection.

This paragraph does not require a municipality to alter its accounting system or billing records if the tenant exercises the right to pay current charges and retain water service. If there are multiple tenants in an affected property, the municipality is not required to offer the right to pay current charges and retain service to more than one tenant in a 12-month period.

(d) For purposes of this subdivision, "current charges" does not include arrears or late payment fees incurred by the landlord.

(e) (e) In a single-metered residential building, other residential tenants in the building may contribute payments to the utility company or municipality on the account of the tenant who is the customer of record under paragraph (b) or on the landlord's account under paragraph (c).

(f) A landlord who satisfies all requirements for reestablishing service, including paying, or entering into an agreement acceptable to the utility company or municipality to pay, all arrears and other lawful charges incurred by the landlord on the account that was placed in the tenant's name, may reestablish service in the landlord's name.

(g) This section does not restrict or prohibit a municipal utility provider from exercising its authority pursuant to section 444.075, subdivisions 3 and 3e, to make contracts with and impose utility charges against property owners and to certify unpaid charges to the county auditor with taxes against the property served for collection as a tax.

(h) In the case of home heating oil or propane, if the landlord has not yet paid the bill by the time of the tenant's intended payment, or if the service remains discontinued, the tenant or tenants may order and pay for one month's supply of the proper grade and quality of oil or propane.

~~(d)~~ (i) After submitting receipts for documentation to the landlord of the tenant's payment to the landlord utility company or municipality, a tenant may deduct the amount of the tenant's payment to the utility company or municipality from the rental payment next paid to the landlord. Any amount paid to the municipality, utility company, or other company by a tenant under this subdivision is considered payment of rent to the landlord for purposes of section 504B.291."

Delete the title and insert:

"A bill for an act relating to landlord and tenant; modifying right of tenant to pay utility bills;

amending Minnesota Statutes 2006, section 504B.215, subdivisions 2, 3."

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

Senate Conferees: (Signed) Rick E. Olseen, Linda Higgins, Warren Limmer

House Conferees: (Signed) Bob Gunther, Joe Mullery, Tom Tillberry

Senator Olseen moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2909 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. 2909 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 3303 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 3303

A bill for an act relating to the city of Minneapolis; authorizing the creation of a nonprofit riverfront revitalization corporation; requiring a report.

April 30, 2008

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. 3303 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 3303 be further amended as follows:

Page 2, line 32, delete "December"

Page 3, line 1, delete "31" and insert "August 1"

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

Senate Conferees: (Signed) Linda Higgins, D. Scott Dibble, David H. Senjem

House Conferees: (Signed) Diane Loeffler, Joe Mullery, Bob Gunther

Senator Higgins moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3303 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. 3303 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 3563 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 3563

A bill for an act relating to human services; making changes to continuing care provisions; clarifying licensing fines; clarifying senior nutrition appropriations; amending local certification requirements; amending Minnesota Statutes 2007 Supplement, sections 245A.07, subdivision 3; 256B.49, subdivision 16a; Laws 2007, chapter 147, article 19, section 3, subdivision 8.

April 30, 2008

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. 3563 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 3563 be further amended as follows:

Page 15, after line 16, insert:

"Sec. 4. **REPORT ON STAFFING CRITERIA.**

The commissioner of human services in consultation with the commissioner of health, as well as consumers, nursing facility providers, and nursing facility employees, shall: (1) review the definitions of nursing facility direct care staff in Minnesota Statutes, Minnesota Rules, and agency bulletins; (2) determine how to standardize definitions to allow the public to compare direct care staffing across facilities; and (3) examine how new and emerging staff positions and titles, including but not limited to "resident assistant," should be incorporated over time into direct care staffing. The commissioner shall report recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services by January 15, 2009."

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

Senate Conferees: (Signed) Sharon L. Erickson Ropes, Michelle L. Fischbach, Mary A. Olson

House Conferees: (Signed) Kim Norton, Patti Fritz, Rod Hamilton

Senator Erickson Ropes moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3563 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. 3563 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

Scheid
Senjem
Sheran

Sieben
Skoe
Skogen

Sparks
Stumpf
Tomassoni

Torres Ray
Vandever
Vickerman

Wergin
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.

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 Frederickson 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. 3396, which the committee recommends to pass, subject to the following motions:

Senator Anderson moved to amend S.F. No. 3396 as follows:

Page 1, after line 13, insert:

"Subd. 3. **Commissioner.** "Commissioner" means the commissioner of commerce."

Page 1, line 14, delete "3" and insert "4"

Page 1, line 17, delete "4" and insert "5"

Page 1, line 19, delete "5" and insert "6"

Page 1, line 21, delete "6" and insert "7"

Page 2, line 3, after the period, insert "An eligible foreclosed loan does not include a loan originated by a state or federally chartered bank, savings bank, or credit union, or an organization majority owned by one or more credit unions."

Page 2, line 4, delete "7" and insert "8"

Page 2, line 10, delete "8" and insert "9"

Page 2, after line 11, insert:

"Subd. 10. **Mortgage foreclosure counselor.** "Mortgage foreclosure counselor" means an

individual who provides mortgage foreclosure counseling on behalf of a nonprofit or government agency that is a member of the Minnesota Home Ownership Center's network."

Page 2, line 12, delete "9" and insert "11"

Page 2, lines 23 and 26, delete "rescind notice of" and insert "cancel"

Page 2, line 28, delete "under section 583.37, subdivision 4"

Page 3, after line 11, insert:

"(6) I have sought the assistance of a mortgage foreclosure counselor and during the deferment I agree to continue to use the assistance of a mortgage foreclosure counselor to negotiate in good faith with the foreclosing lender to modify the terms of the mortgage on the subject property;"

Page 3, line 12, delete "(6)" and insert "(7)"

Page 3, line 17, after the period, insert "The affidavit also shall be signed by a mortgage foreclosure counselor solely to certify that the borrower has sought the assistance of the mortgage foreclosure counselor."

Page 5, line 21, after the period, insert "A copy of the notice also must be sent by any means to the loan counselor who signed the affidavit of deferment."

Page 5, line 23, after the comma, insert "other than the arbitration of a dispute of good-faith negotiation under section 583.381,"

Page 5, after line 33, insert:

"Subd. 4. **Mortgage foreclosure counselors.** A mortgage foreclosure counselor, and the person employing or paying the mortgage foreclosure counselor, shall not be liable to any person for signing or failing to sign an affidavit of deferment under the act."

Sec. 7. **[583.381] RIGHT TO REVOKE DEFERMENT FOLLOWING GOOD-FAITH NEGOTIATION.**

Subdivision 1. **Cancellation of deferment.** If the foreclosing lender has negotiated in good faith to modify the eligible foreclosed loan, the foreclosing lender may send a notice of deferment cancellation to the eligible foreclosed borrower and, no less than 30 days after sending the notice, publish a notice of foreclosure sale in accord with section 583.35. The notice shall be on a single sheet of paper and shall include the name and contact information for an employee or representative of the foreclosing lender. Such notice must include an explanation, in plain language, of the reasons that the deferment is being canceled. Such notice must prominently state the date the notice is mailed to the eligible foreclosed borrower and the bottom of the notice shall include the following disclosure in bold, 14-point type: "If you do not agree that we have negotiated in good faith to modify your loan, you may request that an arbitrator be appointed to review your case. The arbitrator will be a volunteer who will work at no cost to you. You have until (insert date 30 days after date of notice) to complete and mail the attached request for arbitration form to the address listed on the form. The state of Minnesota encourages you to contact a mortgage foreclosure counselor right away to discuss your options." The foreclosing lender shall include a copy of the written loan modification that the foreclosing lender offered as part of a good-faith negotiation offer under subdivision 2. No documents other than the written loan modification offer and the arbitration request form required

by subdivision 2 shall be included with the notice. A copy of the notice also must be sent by any means to the mortgage foreclosure counselor who signed the affidavit of deferment.

Subd. 2. Arbitration of disputes. (a) The eligible foreclosed borrower may dispute a notice of deferment cancellation by sending to the commissioner a request for arbitration form along with a copy of the notice of deferment cancellation, including a copy of the written loan modification that the foreclosing lender asserts is a good-faith negotiation offer under this subdivision. The request for arbitration must be delivered or postmarked within 30 days of the date of the notice of deferment cancellation. The deferment continues pending resolution of the dispute.

(b) On receipt of a timely request for arbitration, the commissioner shall appoint a volunteer arbitrator to resolve the dispute as to whether the foreclosing lender negotiated with the eligible foreclosed borrower in good faith. The commissioner may appoint any person the commissioner deems qualified to act as a volunteer arbitrator.

(c) The volunteer arbitrator may request additional documents or appearances from either the foreclosing lender or the eligible foreclosed borrower prior to making a determination. The decision of the arbitrator is binding on both the foreclosing lender and the eligible foreclosed borrower.

(d) The appointed arbitrator will act as a volunteer and may not charge any person for the arbitrator's services or costs related to the arbitration.

Subd. 3. Good-faith negotiation by foreclosing lender. (a) A foreclosing lender has not negotiated in good faith unless it offers in writing to modify the terms of repayment of the eligible foreclosed loan to permit the eligible foreclosed borrower to make monthly payments that the borrower would have had the reasonable ability to pay as of the date the loan was originated or, if the borrower's income and financial resources have increased since the loan was originated, monthly payments that the borrower has the current reasonable ability to pay.

(b) For purposes of this section, "monthly payments" includes principal, interest, real estate taxes, homeowner's insurance, assessments, and mortgage insurance premiums, as applicable.

(c) For purposes of this section, "reasonable ability to pay" shall be determined based on the following:

(1) the income and financial resources available to the borrower at the time the loan was originated, provided that tax returns, payroll receipts, bank records, or other similarly reliable documents that verify the borrower's income and financial resources at the time of origination shall replace unverified statements of income or financial resources contained in the loan application, and such verified information shall serve as the basis for computing the borrower's reasonable ability to make monthly payments; or

(2) if the borrower's income and other financial resources have increased since the loan was originated, the borrower's current income and other financial resources to the extent such information can be verified by tax returns, payroll receipts, bank records, or other similarly reliable documents.

(d) There is a presumption that the borrower has the reasonable ability to pay if the monthly payments do not exceed a combined debt-to-income ratio of 41 percent based on the borrower's documented and verified monthly gross income, provided the borrower has sufficient residual income as defined in Code of Federal Regulations, title 38, section 36.4337(e)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Frederickson moved to amend the Anderson amendment to S.F. No. 3396 as follows:

Page 2, lines 11 and 13, delete "Such" and insert "The"

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

The question recurred on the Anderson amendment, as amended.

The roll was called, and there were yeas 40 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Higgins	Olseen	Sieben
Berglin	Day	Koering	Olson, M.	Skoe
Betzold	Dibble	Kubly	Pogemiller	Skogen
Bonoff	Dille	Langseth	Prettner Solon	Sparks
Carlson	Doll	Larson	Rummel	Stumpf
Chaudhary	Erickson Ropes	Latz	Scheid	Tomassoni
Clark	Foley	Lourey	Senjem	Torres Ray
Cohen	Frederickson	Marty	Sheran	Vandever

Those who voted in the negative were:

Fischbach	Ingebrigtsen	Limmer	Pariseau
Gerlach	Johnson	Metzen	Rosen
Gimse	Jungbauer	Michel	Vickerman
Hann	Koch	Ortman	Wergin

The motion prevailed. So the Anderson amendment, as amended, was adopted.

Senator Anderson moved to amend S.F. No. 3396 as follows:

Page 1, line 7, delete "Foreclosure"

Page 1, line 8, delete "Deferment" and insert "Borrower Relief"

Page 1, line 12, delete "Foreclosure Deferment" and insert "Borrower Relief"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend S.F. No. 3396 as follows:

Page 2, line 26, before "A" insert "A foreclosing lender shall also provide written notice of receipt of an affidavit of deferment to all parties with a recorded request for notice of mortgage foreclosure under section 580.032 or who are listed as a holder of a security interest in the subject property in the affidavit of deferment."

Page 5, line 14, before the period, insert "and to all parties with a recorded request for notice of mortgage foreclosure under section 580.032 or who are listed as a holder of a security interest in the subject property in the affidavit of deferment"

Page 5, line 30, after the period, insert "No act, agreement, or deferment granted under sections

583.33 to 583.40 alters the rights of other parties or lenders with an interest in the subject property."

The motion prevailed. So the amendment was adopted.

Senator Gerlach moved to amend S.F. No. 3396 as follows:

Page 2, line 5, delete "and"

Page 2, line 7, before the period, insert "; and (3) can demonstrate that the borrower was a victim of fraud or misrepresentation in the origination of the eligible foreclosed loan"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 35, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Olson, G.	Skoe
Dille	Hann	Koering	Ortman	Skogen
Fischbach	Ingebrigtsen	Limmer	Pariseau	Sparks
Frederickson	Johnson	Michel	Rosen	Vandev eer
Gerlach	Jungbauer	Murphy	Senjem	Wergin

Those who voted in the negative were:

Anderson	Clark	Higgins	Moua	Sheran
Bakk	Cohen	Kubly	Olseen	Sieben
Berglin	Dahle	Langseth	Olson, M.	Stumpf
Betzold	Dibble	Larson	Pogemiller	Tomassoni
Bonoff	Doll	Latz	Prettner Solon	Torres Ray
Carlson	Erickson Ropes	Lourey	Saxhaug	Vickerman
Chaudhary	Foley	Marty	Scheid	Wiger

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

Senator Gerlach moved to amend S.F. No. 3396 as follows:

Page 2, line 5, delete "and"

Page 2, line 7, before the period, insert "; and (3) can show an inability to make full payments of principal and interest on the eligible foreclosed loan"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Day	Hann	Limmer	Ortman	Stumpf
Dille	Ingebrigtsen	Metzen	Pariseau	Vandev eer
Fischbach	Johnson	Michel	Robling	
Frederickson	Jungbauer	Murphy	Rosen	
Gerlach	Koch	Olson, G.	Senjem	
Gimse	Koering	Olson, M.	Skoe	

Those who voted in the negative were:

Anderson	Carlson	Dibble	Kubly	Lynch
Bakk	Chaudhary	Doll	Langseth	Marty
Berglin	Clark	Erickson Ropes	Larson	Moua
Betzold	Cohen	Foley	Latz	Olseen
Bonoff	Dahle	Higgins	Lourey	Pappas

Pogemiller
Prettner Solon
Saltzman

Saxhaug
Scheid
Sheran

Sieben
Skogen
Sparks

Tomassoni
Torres Ray
Vickerman

Wiger

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

Senator Limmer moved to amend S.F. No. 3396 as follows:

Page 5, after line 8, insert:

"Subd. 6. **Real estate taxes.** During the deferment period, no real estate taxes may be paid with respect to the property subject to the eligible federal loan from any escrow account."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 49, as follows:

Those who voted in the affirmative were:

Gerlach	Ingebrigtsen	Limmer	Robling	Vandev eer
Gimse	Johnson	Ortman	Rosen	
Hann	Jungbauer	Pariseau	Senjem	

Those who voted in the negative were:

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

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

The question was taken on the recommendation to pass S.F. No. 3396.

The roll was called, and there were yeas 34 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Clark	Higgins	Moua	Saxhaug
Bakk	Cohen	Langseth	Olseen	Scheid
Berglin	Dahle	Larson	Olson, M.	Sheran
Betzold	Dibble	Latz	Pappas	Sieben
Bonoff	Doll	Lourey	Pogemiller	Tomassoni
Carlson	Erickson Ropes	Lynch	Prettner Solon	Torres Ray
Chaudhary	Foley	Marty	Rummel	

Those who voted in the negative were:

Day	Hann	Limmer	Pariseau	Sparks
Dille	Ingebrigtsen	Metzen	Robling	Stumpf
Fischbach	Jungbauer	Michel	Rosen	Vandev eer
Frederickson	Koch	Murphy	Senjem	Vickerman
Gerlach	Koering	Olson, G.	Skoe	Wergin
Gimse	Kubly	Ortman	Skogen	

The motion prevailed. So S.F. No. 3396 was recommended to pass.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the 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 House File No. 2553, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2553 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 5, 2008

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2553

A bill for an act relating to state government; creating a catastrophe survivor compensation fund; appropriating money; amending Minnesota Statutes 2006, section 13.635, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 8A.

May 5, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 2553 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2553 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 3.736, subdivision 4, is amended to read:

Subd. 4. **Limits.** The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case, for claims arising before ~~January~~ August 1, 2008 ~~2007~~;

(b) \$400,000 when the claim is one for death by wrongful act or omission and \$400,000 to any claimant in any other case, for claims arising on or after ~~January~~ August 1, 2008 ~~2007~~, and before July 1, 2009;

(c) \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

(d) \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;

(e) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;

(f) \$1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009; or

(g) \$1,500,000 for any number of claims arising out of a single occurrence, for claims arising on or after July 1, 2009.

If the amount awarded to or settled upon multiple claimants exceeds the applicable limit under clause (d), (e), (f), or (g), any party may apply to the district court to apportion to each claimant a proper share of the amount available under the applicable limit under clause (d), (e), (f), or (g). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2007.

Sec. 2. [3.7391] PURPOSE.

Subdivision 1. **Findings; I-35W bridge.** The legislature finds that the collapse of the Interstate Highway 35W bridge over the Mississippi River in Minneapolis on August 1, 2007, was a catastrophe of historic proportions. The bridge was the third-busiest in the state, carrying over 140,000 cars per day. Its collapse killed 13 people and injured more than 100. No other structure owned by this state has ever fallen with such devastating physical and psychological impact on so many.

Subd. 2. **Compensation process.** The establishment of a compensation process under sections 3.7391 to 3.7394 for survivors of the catastrophe furthers the public interest by providing a remedy for survivors while avoiding the uncertainty and expense of potentially complex and protracted litigation to resolve the issue of the liability of the state, a municipality, or their employees for damages incurred by survivors.

Subd. 3. **Not an admission of liability.** These findings are not an admission of liability of the state, a municipality, or their employees for damages caused by the catastrophe.

Sec. 3. [3.7392] DEFINITIONS.

Subdivision 1. **Application.** The definitions in this section apply to sections 3.7391 to 3.7394.

Subd. 2. **Catastrophe.** "Catastrophe" means the collapse of the I-35W bridge over the Mississippi River in Minneapolis on August 1, 2007.

Subd. 3. **Damages.** "Damages" means damages that are compensable under state tort law and damages for wrongful death that are compensable under section 573.02. Damages do not include punitive damages or attorney fees or other fees incurred by a survivor in making a claim under this section or other law.

Subd. 4. **Emergency relief fund.** "Emergency relief fund" means the I-35W bridge emergency relief fund created by the state on November 30, 2007.

Subd. 5. **Municipality.** "Municipality" has the meaning given in section 466.01.

Subd. 6. **Panel.** "Panel" means the special master panel created under section 3.7393.

Subd. 7. **State.** "State" has the meaning given in section 3.732.

Subd. 8. **Survivor.** "Survivor" means a natural person who was present on the I-35W bridge at the time of the collapse. Survivor also includes:

- (1) the parent or legal guardian of a survivor who is under 18 years of age;
- (2) a legally appointed representative of a survivor; or
- (3) the surviving spouse or next of kin of a deceased survivor who would be entitled to bring an action under section 573.02.

Sec. 4. **[3.7393] CONSIDERATION AND PAYMENT OF CLAIMS.**

Subdivision 1. **Special master panel.** The chief justice of the Supreme Court shall establish a special master panel to consider claims, make offers of settlement, and enter into settlement agreements with survivors on behalf of the state. The panel must be established by June 30, 2008. The panel must consist of three attorneys. Members of the panel must have experience in legal issues involving the settlement of tort claims and the determination of damages. The chief justice shall designate a member of the panel to serve as chair of the panel. The chief justice shall determine the pay and expenses to be received by the panel.

Subd. 2. **Staff.** Within the limits of available appropriations, the state court administrator, in consultation with the panel, shall hire employees or retain consultants necessary to assist the panel in performing its duties under this section. Employees are in the unclassified state civil service. The panel may also use consultants who are under a contract with the state or current state employees to assist the panel in processing claims under this section.

Subd. 3. **Records.** Records of the panel related to a claim filed by a survivor, an offer of settlement, or an acceptance or rejection of an offer are not accessible to the public except for:

- (1) the name of the survivor; and
- (2) the terms of any written settlement agreement between the survivor and the state.

Subd. 4. **Procedure.** Consistent with sections 3.7391 to 3.7394, the panel may adopt and

modify procedures, rules, and forms for considering claims, making offers of settlement, entering into settlement agreements, and considering requests for and making supplemental payments. The panel must allow each survivor to appear in person before the panel or one of its members.

Subd. 5. **Payment of panel expenses.** The state court administrator shall forward documentation of salaries, expenses, and administrative costs under this section to the commissioner of finance for payment of those amounts.

Subd. 6. **Immunity.** Members of the panel and employees and consultants acting under the direction of the panel are absolutely immune from civil liability for any act or omission occurring within the scope of the performance of their duties under this section.

Subd. 7. **General duties.** The panel shall consider claims, make offers of settlement, and enter into settlement agreements with survivors as provided in this section. The panel must not consider negligence or any other theory of liability. The panel shall make offers of settlement and supplemental payments under this section with the assumption that no future appropriation will be available for these purposes and shall include a notice of this provision when making settlement offers.

Subd. 8. **Effect and finality of offers and settlement agreements.** (a) An offer of settlement made to a survivor under this section is considered for all purposes to be an offer to the survivor to settle a legal claim.

(b) A determination by the panel regarding an offer of settlement or settlement agreement or a supplemental payment is final and not subject to judicial review.

(c) The amount of damages incurred by a survivor calculated by the panel pursuant to subdivision 10 may not be used in a subsequent court proceeding in evidence or otherwise to determine any rights, duties, or responsibilities of the state or any other party.

Subd. 9. **Deadlines.** In order to be eligible to receive an offer of settlement or enter into a settlement agreement under this section or to receive a supplemental payment under subdivision 12, a survivor must file a claim with the panel by October 15, 2008. Any offer of settlement must be made by February 28, 2009. A survivor must accept or reject the offer of settlement within 45 days after receiving the offer. Failure to accept an offer within 45 days is a rejection. A survivor who is eligible to receive a supplemental payment under subdivision 12 may choose to wait until the survivor's supplemental payment is calculated before accepting or rejecting an offer of settlement, provided that a survivor may not accept an offer of settlement later than 45 days after receiving notice of the proposed supplemental payment award. The decision to accept or reject an offer is irrevocable. The panel must notify a survivor of the deadlines for response to an offer of settlement as provided in this subdivision.

Subd. 10. **Calculation of amount.** The panel shall determine the total damages incurred by a survivor. The amount of an offer of settlement under this section must be calculated based on the total damages, less:

(1) payments made to the survivor up to the date the settlement offer is made from the collateral sources referred to in section 548.36, subdivision 1;

(2) any payment made to the survivor from the emergency relief fund; and

(3) any payments made or required to be made to the survivor by a third-party tortfeasor under the terms of a settlement or other agreement with the survivor that exists at the time the offer is made or a final judgment in favor of the survivor concerning claims of the survivor that relate to, involve, or arise out of the catastrophe.

Subd. 11. **Offers of settlement; limit on amount.** (a) The amount of an offer of settlement or payment required by a settlement agreement must not exceed \$400,000. This limitation does not apply to a supplemental payment made under subdivision 12. An offer of settlement must be accompanied by a notice to the survivor of the remainder of the amount calculated under subdivision 10 that is not included in the offer because of the limitation under this paragraph and the amount of the remainder for which a supplemental payment may be awarded.

(b) Notwithstanding section 3.736, subdivision 4, clause (e), or section 466.04, subdivision 1, paragraph (a), clause (5), the \$1,000,000 limitation on state or municipal liability for claims arising out of a single occurrence otherwise applicable to the catastrophe does not apply to payments made to survivors under this section. The amount that may be paid by the state is limited by the appropriations for this purpose.

Subd. 12. **Supplemental payments.** (a) For purposes of this subdivision, "uncompensated medical expenses" means:

(1) medical expenses less payments made to a survivor from collateral sources referred to in section 548.36, subdivision 1, that provide payments for medical expenses; and

(2) the present value of premiums, deductibles, and coinsurance payments for high-risk health plan coverage offered by the Minnesota Comprehensive Health Association or by another similar health plan.

(b) A survivor is eligible for a supplemental payment if the offer of settlement calculation for the survivor, as provided in subdivision 10, exceeds \$400,000. The supplemental payment must be calculated based solely on that portion of the uncompensated medical expenses, loss of income, future earning capacity, or other financial support for which compensation was not received under the offer of settlement or settlement agreement under subdivision 11. A supplemental payment may only be made to a survivor who has accepted an offer of settlement, entered into a settlement agreement, and executed a release under subdivision 13. Consistent with the requirements of this section, the panel shall establish necessary procedures and timelines for the award of supplemental payments. A supplemental payment may be made only for the following purposes, in the following order of priority:

(1) to pay uncompensated medical expenses in excess of those paid from the first \$400,000; and

(2) to pay for loss of income, future earning capacity, or other financial support not included in the first \$400,000.

No payment may be made to a survivor for loss of income under clause (2) unless and until all survivors have been fully paid for all medical expenses for which they are eligible under clause (1).

(c) If the available appropriation is insufficient to make full awards to all survivors eligible for a supplemental payment, the panel may award the payments based on a uniform percentage of the amount that is less than the full amount eligible for a supplemental payment or take other steps the panel considers necessary to ensure that the available appropriation is equitably distributed among

all survivors who have requested and qualify for a supplemental payment, subject to the order of priority under this subdivision.

Subd. 13. **Release.** A survivor who accepts an offer of settlement from the panel must agree in writing and in a form developed by the panel, with the approval of the attorney general, to release the state and every municipality of this state and their employees from liability, including claims for damages, arising from the catastrophe and to cooperate with the state in pursuing claims the state may have against any other party. The release must also provide that the survivor will indemnify the state, a municipality, and their employees from any claim of contribution or indemnity, or both, made by other persons against the state, a municipality, and their employees and that the survivor will satisfy any judgment obtained by the survivor in an action against other persons to the extent of the release, if the claim or judgment relates in any way to a claim of the survivor arising from the catastrophe. The release must provide for the subrogation interest of the state under section 3.7394, subdivision 5. A survivor who previously has commenced an administrative, court, or other action against the state or a municipality of the state or their employees seeking recovery from loss resulting from the catastrophe must agree to dismiss or otherwise withdraw the action before receiving compensation under this section.

Subd. 14. **Payment.** The panel shall promptly forward to the commissioner of finance documentation of each settlement agreement that has been entered into under this section. Except as provided in section 3.7394, subdivision 4, paragraph (b), the commissioner of finance shall pay the agreed amount within 45 days after receiving the documentation and in the order in which the documentation from the panel was received.

Subd. 15. **Election to proceed in district court.** (a) A survivor may elect not to file a claim with the panel or not to accept an offer of settlement from the panel. A survivor who elects not to file a claim with the panel or not to accept an offer of settlement has not waived any legal rights that may be asserted against the state or a municipality or their employees and may proceed with a claim in district court.

(b) If a survivor elects not to accept an offer of settlement, the state or a municipality or their employees may not use any data provided by the survivor to the panel in a subsequent legal proceeding. The state or a municipality or their employees may obtain information, including data provided to the panel, through discovery or other legal processes.

Sec. 5. [3.7394] **EFFECT OF SPECIAL COMPENSATION PROCESS; RELATIONSHIP TO OTHER LAW.**

Subdivision 1. **No state liability or duty created.** The establishment of the special compensation process under section 3.7393 and the emergency relief fund, and an offer of settlement or a settlement agreement, is not an admission of liability by the state or a municipality or their employees and does not establish a duty of the state, a municipality, or their employees to compensate survivors. The creation and funding of the compensation process under sections 3.7391 to 3.7394 or an offer of settlement or settlement agreement is not admissible in a judicial or administrative proceeding to establish liability or a legal duty.

Subd. 2. **Payments as additional compensation.** Payments made under section 3.7393 or from the emergency relief fund are intended to supplement and be in addition to any payments required to be made by a third party under law or contract.

Subd. 3. **Payments from other sources.** Notwithstanding any statutory or common law or agreement to the contrary, a person required to make payments, including future payments, to a survivor may not eliminate or reduce those payments as a result of compensation paid to the survivor under section 3.7393 or from the emergency relief fund or as a result of the survivor's release of claims against the state, a municipality, or their employees under section 3.7393. The obligation of any person other than the state to make payments to a survivor is primary as compared to any payment made or to be made under section 3.7393 or from the emergency relief fund. The persons referenced in and covered by this subdivision and subdivision 4 include, without limitation:

(1) reparation obligors, as defined in section 65B.43, subdivision 9, whether they are insurers or self-insurers;

(2) health plan companies, as defined in section 62Q.01, subdivision 4, including the Minnesota Comprehensive Health Association created under section 62E.10;

(3) insurance companies, as defined in section 60A.02, subdivision 4;

(4) self-insured pools of political subdivisions organized under section 471.617 or 471.981, including service cooperatives pools organized under section 123A.21;

(5) risk retention groups, as defined in section 60E.02, subdivision 12;

(6) joint self-insurance plans governed by chapter 60F;

(7) workers' compensation insurers and private self-insurers, as defined in section 79.01;

(8) the Minnesota Life and Health Insurance Guaranty Association governed by chapter 61B;

(9) the Minnesota Insurance Guaranty Association governed by chapter 60C;

(10) the Minnesota Joint Underwriting Association governed by chapter 62I;

(11) all insurers providing credit life, credit accident and health, and credit involuntary unemployment insurance under chapter 62B, but also including those coverages written in connection with real estate mortgage loans and those provided to borrowers at no additional cost;

(12) the Minnesota unemployment insurance program provided under chapter 268;

(13) coverage offered by the state under medical assistance, general assistance medical care, and MinnesotaCare; and

(14) any other plan providing health, life, disability income, or long-term care coverage.

Subd. 4. **No third-party subrogation or recovery.** (a) Notwithstanding any statutory or common law or agreement to the contrary, a person who has paid benefits or compensation to or on behalf of a survivor does not have a subrogation or other right to recover those benefits or compensation by making a claim, or recovering from payments made, under section 3.7393 or from the emergency relief fund.

(b) Following a settlement agreement under section 3.7393, a person who believes that the state cannot constitutionally prohibit assertion of a subrogation claim and who is claiming a subrogation interest against the amount to be paid by the state has 40 days after the settlement agreement was entered into to provide notice to the state and the survivor of the person's intent to assert that interest,

during which time the commissioner of finance must not make the payment. The subrogation claim is waived if the notice is not provided by the deadline. If no notice is received by the deadline, the commissioner of finance shall make the payment. If a notice of claim is received, the commissioner shall withhold the payment until the subrogee abandons or waives the subrogation claim.

Subd. 5. **Reimbursement of state; right of subrogation.** (a) Notwithstanding any statutory or common law to the contrary, the state is entitled to recover from any third party, including an agent, contractor, or vendor retained by the state, any payments made from the emergency relief fund or under section 3.7393 to the extent the third party caused or contributed to the catastrophe. The state is entitled to be reimbursed regardless of whether the survivor is fully compensated.

(b) Notwithstanding any statutory or common law to the contrary, the state is subrogated to all potential claims against third-party tortfeasors of a survivor receiving payment from the emergency relief fund or under section 3.7393 to the extent the claims relate to, involve, or arise out of the catastrophe. The subrogation right of the state under this subdivision is limited to the amount paid to the survivor from the emergency relief fund and under section 3.7393. The rights of the state under this subdivision are in addition to other remedies, claims, and rights relating to the catastrophe that the state may have against other persons for the recovery of monetary or other relief.

(c) A survivor must notify the state if the survivor has been fully compensated by third parties for damages caused by the catastrophe. A survivor is fully compensated if payments made or required to be made to the survivor by a third-party tortfeasor under the terms of a settlement agreement or other agreement with the survivor or a final judgment in favor of the survivor concerning claims that relate to, involve, or arise out of the catastrophe are equal to or greater than the total damages incurred by the survivor as determined by the panel under section 3.7393, subdivision 10. The state is entitled to be reimbursed by a survivor only to the extent that these payments are greater than the total damages incurred by the survivor.

Subd. 6. **Amounts not considered for purposes of limit on government tort liability.** Payments made to survivors under section 3.7393 or from the emergency relief fund are not to be considered in calculating the \$1,000,000 limit on tort claims in civil actions against the state arising out of the catastrophe for purposes of section 3.736, subdivision 4, clause (e), or a municipality arising out of the catastrophe for purposes of section 466.04, subdivision 1, clause (5).

Sec. 6. **APPROPRIATIONS.**

Subdivision 1. **Compensation to survivors.** \$24,000,000 is appropriated from the general fund to the commissioner of finance to make payments under settlement agreements entered into by the panel under Minnesota Statutes, section 3.7393, subdivision 11. This appropriation is available until June 30, 2010.

Subd. 2. **Supplemental payments.** \$12,640,000 is appropriated from the general fund to the commissioner of finance to make supplemental payments under Minnesota Statutes, section 3.7393, subdivision 12. This appropriation is available until June 30, 2010.

Subd. 3. **Administrative expenses.** \$750,000 is appropriated from the general fund to the commissioner of finance to pay salaries, expenses, and administrative costs associated with making offers of settlement and entering into settlement agreements under Minnesota Statutes, section 3.7393. This appropriation is available until June 30, 2009.

Subd. 4. **Waite House.** \$610,000 is appropriated from the general fund to the commissioner of finance for a grant to Pillsbury United Communities in Minneapolis, to allow Waite House in Minneapolis to provide services to youth and families of youth who were on a school bus on the I-35W bridge when the bridge collapsed. Services paid for with this appropriation must not be services that could have been funded by settlement payments made to survivors. The commissioner must pay the first half of the grant by June 30, 2008, and pay the second half of the grant on June 30, 2009. Pillsbury United Communities must report to the chairs of the senate Finance and house Ways and Means Committees by June 30, 2009, and June 30, 2010, on expenditure of money under this subdivision. The appropriation is available until June 30, 2010.

Subd. 5. **Report.** The commissioner of finance must report to the legislature by January 15 in each of 2009, 2010, and 2011, on expenditure of the appropriations in this section. The report must list the amount of compensation paid to each survivor and must list administrative expenses incurred by the special master panel.

Sec. 7. EFFECTIVE DATE.

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to transportation; providing an alternative compensation and settlement process for survivors of the I-35W catastrophe; appropriating money; amending Minnesota Statutes 2006, section 3.736, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 3."

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

House Conferees: (Signed) Ryan Winkler, Phyllis Kahn, Loren Solberg, Steve Simon, Chris DeLaForest

Senate Conferees: (Signed) Ron Latz, David W. Hann, Linda Scheid, Don Betzold, Mee Moua

Senator Latz moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2553 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Pursuant to Rule 41.2, Senator Ortman moved that she be excused from voting on all questions pertaining to H.F. No. 2553. The motion prevailed.

The question was taken on the adoption of the Latz motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2553 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson
Bakk
Berglin

Betzold
Bonoff
Carlson

Chaudhary
Clark
Cohen

Day
Dibble
Dille

Doll
Erickson Ropes
Fischbach

Foley	Koering	Michel	Robling	Sparks
Frederickson	Kubly	Moua	Rosen	Stumpf
Gerlach	Langseth	Murphy	Saltzman	Tomassoni
Gimse	Larson	Olseen	Saxhaug	Torres Ray
Hann	Latz	Olson, G.	Scheid	Vandever
Higgins	Limmer	Olson, M.	Senjem	Vickerman
Ingebrigtsen	Lourey	Pappas	Sheran	Wergin
Johnson	Lynch	Pariseau	Sieben	Wiger
Jungbauer	Marty	Pogemiller	Skoe	
Koch	Metzen	Prettner Solon	Skogen	

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.

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 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 651: A bill for an act relating to the environment; restricting the manufacture and sale of certain polybrominated diphenyl ethers; requiring a report; providing penalties; amending Minnesota Statutes 2007 Supplement, sections 325E.386; 325E.387, by adding a subdivision.

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

Clark, Laine, Thissen, Madore, Abeler.

Senate File No. 651 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 5, 2008

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. 875: A bill for an act relating to employment; increasing and indexing the minimum wage; eliminating the training wage; requiring notice to new employees; amending Minnesota Statutes 2006, section 177.24, subdivision 1, by adding a subdivision.

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

Rukavina, Slocum and Howes.

Senate File No. 875 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 5, 2008

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. 3669: A bill for an act relating to transportation; requiring report on mitigating effects of transportation construction projects on small businesses.

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

Madore, Tschumper and Heidgerken.

Senate File No. 3669 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 5, 2008

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3222:

H.F. No. 3222: A bill for an act relating to human services; amending health care services provisions; making changes to general assistance medical care, medical assistance, and MinnesotaCare; modifying claims, liens, and treatment of assets; establishing a statewide information exchange; amending Minnesota Statutes 2006, sections 245.462, subdivision 18; 245.470, subdivision 1; 245.4871, subdivision 27; 245.488, subdivision 1; 256B.056, subdivisions 2, 4a, 11, by adding a subdivision; 256B.057, subdivision 1; 256B.0571, subdivisions 8, 9, 15, by adding a subdivision; 256B.058; 256B.059, subdivisions 1, 1a; 256B.0594; 256B.0595, subdivisions 1, 2, 3, 4, by adding subdivisions; 256B.0624, subdivisions 5, 8; 256B.0625, subdivision 13g; 256B.075, subdivision 2; 256B.0943, subdivision 1; 256B.15, subdivision 4; 256B.69, subdivisions 6, 27, 28; 256J.08, subdivision 73a; 524.3-803; Minnesota Statutes 2007 Supplement, sections 256.01, subdivision 2b; 256B.055, subdivision 14; 256B.0623, subdivision 5; 256B.0625, subdivision 49; 256D.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Huntley; Murphy, E., and Erhardt have been appointed as such committee on the part of the House.

House File No. 3222 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 5, 2008

Senator Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3222, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3494:

H.F. No. 3494: A bill for an act relating to employment; providing up to three hours of paid leave in any 12-month period for state employees to donate blood; authorizing employers to provide leave to employees to donate blood; proposing coding for new law in Minnesota Statutes, chapters 43A; 181.

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

Pelowski, Kahn, Poppe, Morgan and Peterson, N., have been appointed as such committee on the part of the House.

House File No. 3494 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 5, 2008

Senator Pogemiller, for Senator Rest, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3494, 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.

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 Executive and Official Communications.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 5, 2008

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

I have vetoed and am returning Chapter 264, Senate File 3564.

This bill makes a modification to Chapter 152 by increasing the compressed natural gas tax rate from \$1.1913 per thousand cubic feet to \$1.913 per thousand cubic feet. I opposed this tax increase when Chapter 152 was presented, and I continue to oppose it.

Sincerely,
Tim Pawlenty, Governor

Senator Pogemiller moved that S.F. No. 3564 and the veto message thereon be laid on the table. The motion prevailed.

RECESS

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

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

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. 3363: Senators Cohen; Rest; Olson, M.; Doll and Betzold.

H.F. No. 3222: Senators Berglin, Lourey and Koering.

H.F. No. 3494: Senators Rest, Erickson Ropes, Day, Pappas and Larson.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Wiger moved that the following members be excused for a Conference Committee on S.F. No. 3001 at 1:30 p.m.:

Senators Wiger; Rummel; Saltman; Olson, G. and Dahle. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Pappas moved that the following members be excused for a Conference Committee on S.F. No. 2942 from 1:35 to 2:20 p.m.:

Senators Pappas, Lynch and Robling. The motion prevailed.

RECONSIDERATION

Senator Pogemiller moved that the vote whereby H.F. No. 2553 was repassed by the Senate on May 5, 2008, be now reconsidered. The motion prevailed. So the vote was reconsidered.

H.F. 2553: A bill for an act relating to transportation; providing an alternative compensation and settlement process for survivors of the I-35W catastrophe; appropriating money; amending Minnesota Statutes 2006, section 3.736, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 3.

H.F. No. 2553 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	Doll	Koering	Olseen	Senjem
Bakk	Erickson Ropes	Kubly	Olson, G.	Sheran
Berglin	Fischbach	Langseth	Olson, M.	Sieben
Betzold	Foley	Larson	Pappas	Skoe
Bonoff	Frederickson	Latz	Pariseau	Skogen
Carlson	Gerlach	Limmer	Pogemiller	Sparks
Chaudhary	Gimse	Lourey	Prettner Solon	Stumpf
Clark	Hann	Lynch	Robling	Tomassoni
Cohen	Higgins	Marty	Rosen	Torres Ray
Dahle	Ingebrigtsen	Metzen	Rummel	Vandev eer
Day	Johnson	Michel	Saltzman	Vickerman
Dibble	Jungbauer	Moua	Saxhaug	Wergin
Dille	Koch	Murphy	Scheid	Wiger

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the 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:

H.F. Nos. 3493 and 2877, which the committee recommends to pass.

H.F. No. 3372, which the committee recommends to pass with the following amendment offered by Senator Lourey:

Page 5, line 2, delete "8" and insert "6"

The motion prevailed. So the amendment was adopted.

S.F. No. 3467, which the committee recommends to pass with the following amendment offered by Senator Scheid:

Page 1, after line 19, insert:

"Section 1. Minnesota Statutes 2006, section 53C.01, subdivision 2, is amended to read:

Subd. 2. **Cash sale price.** "Cash sale price" means the price at which the seller would in good faith sell to the buyer, and the buyer would in good faith buy from the seller, the motor vehicle which is the subject matter of the retail installment contract, if such sale were a sale for cash, instead of a retail installment sale. The cash sale price may include any taxes, charges for delivery, servicing, repairing, or improving the motor vehicle, including accessories and their installation, and any other charges agreed upon between the parties. The cash price may not include a documentary fee or document administration fee in excess of ~~\$50~~ \$75 for services actually rendered to, for, or on behalf of, the retail buyer in preparing, handling, and processing documents relating to the motor vehicle and the closing of the retail sale. "Documentary fee" and "document administration fee" do not include an optional electronic transfer fee as defined under subdivision 14."

Page 7, line 15, delete "related office visits" and insert "the office or facility visit"

Page 7, after line 19, insert:

"Sec. 12. Minnesota Statutes 2006, section 62A.44, is amended by adding a subdivision to read:

Subd. 2a. **Electronic enrollment.** (a) For any Medicare supplement plan as defined in section 62A.3099, any requirement that a signature of an insured be obtained by an agent or insurer is satisfied if:

(1) the consent is obtained by telephonic or electronic enrollment by the group policyholder or insured. A verification of the enrollment information must be provided to the applicant;

(2) the telephonic or electronic enrollment provides necessary and reasonable safeguards to ensure the accuracy, retention, and prompt retrieval of records; and

(3) the telephonic or electronic enrollment provides necessary and reasonable safeguards to ensure that the confidentiality of individual information and privileged information as defined in section 72A.491, subdivision 19, is maintained.

(b) The insurer shall make available, upon request of the commissioner, records that will demonstrate the insurer's ability to confirm enrollment and coverage."

Page 7, lines 25 and 26, delete the new language

Page 7, line 27, delete "62E.11" and strike everything after "whom"

Page 7, line 28, strike everything before the comma and insert "are covered under an individual plan subject to assessment under section 62E.11 or a group plan offered by an employer subject to assessment under section 62E.11"

Page 8, after line 7, insert:

"Sec. 14. Minnesota Statutes 2006, section 62F.02, is amended by adding a subdivision to read:

Subd. 3. **Merger.** Effective January 1, 2008, the association is merged into the joint underwriting association under chapter 62I."

Page 34, after line 20, insert:

"Sec. 54. Minnesota Statutes 2006, section 83.25, is amended by adding a subdivision to read:

Subd. 4. **Limited broker licensee.** An individual acting on behalf of a limited broker licensee issued a license under section 82.34, subdivision 13, is not required to be an officer of a corporation or a partner of a partnership if:

(1) the individual is solely engaged in the business of selling a timeshare interest as defined in section 83.20, subdivision 13;

(2) the individual is adequately supervised by the limited broker licensee; and

(3) the limited broker licensee maintains a roster of individuals selling a timeshare interest including the date the individual started selling. This roster must be made available to the commissioner upon demand within three days of the request.

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.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Prettner Solon moved that the following members be excused for a Conference Committee on S.F. No. 3337 at 3:45 p.m.:

Senators Prettner Solon, Doll, Rosen, Anderson and Sparks. 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.

MEMBERS EXCUSED

Senator Chaudhary was excused from the Session of today from 11:30 to 11:50 a.m. Senator

Rest was excused from the Session of today at 11:35 a.m. Senator Erickson Ropes was excused from the Session of today from 11:35 to 11:45 a.m. Senator Moua was excused from the Session of today from 1:30 to 2:10 p.m. Senator Bakk was excused from the Session of today from 1:50 to 1:55 p.m. Senator Saltzman was excused from the Session of today from 2:40 to 3:15 p.m. Senator Dahle was excused from the Session of today from 3:05 to 3:30 p.m. Senators Bonoff and Tomassoni were excused from the Session of today from 3:50 to 4:00 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 3:00 p.m., Wednesday, May 7, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Monday, May 5, 2008

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 9543 to 9544

Pages 9577 to 9578

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
3218		250	9544
3069		251	9544
2511		252	9544

MESSAGES FROM THE HOUSE AND FIRST READING OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
651	9575	2553	9566	
875	9575	3222	9545	9546
3213	9544	3222	9576	
3363	9545	3292	9545	9546
3508	9544	3494	9577	
3669	9576	3498	9545	9546
3715	9544	3955	9545	9546

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
		3222	9546

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
			3585	9547	9548
			3699	9548	9548

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
2211	9548		
3590	9548		
3854	9548		
3862	9548		
Sen. Res.			
No. 196	9549		

CONFERENCE COMMITTEE REPORTS AND THIRD READINGS

S.F. Nos.	Page	H.F. Nos.	Page
2379	9553	2553	9566
2909	9554		
3303	9557		
3563	9558		

CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
3056	9550	3376	9552
3122	9551		
3140	9550		
3594	9552		

GENERAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
3372	9579	2877	9579
3396	9560	3493	9579
3467	9580		

RECONSIDERATION

S.F. Nos.	Page	H.F. Nos.	Page
2553	9579		
3140	9551		

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
3363	9578	3222	9578
		3494	9578

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F Nos. 3864 to 3867 Page 9549