

TWENTY-SEVENTH DAY

St. Paul, Minnesota, Monday, March 30, 2009

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Keith Pearson.

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 23, 2009

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

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

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2009	Date Filed 2009
	56	7	6:11 p.m. March 23	March 23

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 1142: A bill for an act relating to veterans; declaring June 13, 2009, Welcome Home Vietnam Veterans Day.

Senate File No. 1142 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 26, 2009

CONCURRENCE AND REPASSAGE

Senator Murphy moved that the Senate concur in the amendments by the House to S.F. No. 1142 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1142: A bill for an act relating to veterans; declaring June 13, 2009, Honoring All Vietnam Era Veterans Day.

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

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended, was repassed 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 Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1849: A bill for an act relating to commerce; regulating consumer small loan lenders and residential mortgage originators and servicers; providing for the calculation of reserves and nonforfeiture values of preneed funeral insurance contracts; revising annual audit requirements for insurers; regulating life and health guaranty association notices; regulating the powers of, and surplus requests for, township mutuals; imposing penalties; amending Minnesota Statutes 2008, sections 47.58, subdivision 1; 47.60, subdivisions 1, 3, 6; 58.05, subdivision 3; 58.06, subdivision 2; 58.13, subdivision 1; 60A.124; 60B.03, subdivision 15; 60L.02, subdivision 3; 61B.28, subdivisions 7, 8; 67A.01; 67A.06; 67A.07; 67A.14, subdivisions 1, 7; 67A.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 67A; repealing Minnesota Statutes 2008, sections 60A.129; 67A.14, subdivision 5; 67A.17; 67A.19; Minnesota Rules, parts 2675.2180; 2675.7100; 2675.7110; 2675.7120; 2675.7130; 2675.7140.

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

Page 4, after line 10, insert:

"Sec. 5. Minnesota Statutes 2008, section 48.21, subdivision 1, is amended to read:

Subdivision 1. **Specific restrictions.** A bank may purchase, carry as an asset, and convey real estate only:

- (1) as provided for in section 47.10;
- (2) if acquired through foreclosure of a mortgage given to it in good faith as security for loans made by or money due to it;
- (3) if conveyed to it in satisfaction of debts previously contracted in good faith in the course of its dealings;
- (4) if acquired by sale on execution or judgment of a court in its favor; or

(5) if reasonably necessary to mitigate or avoid loss on a loan or investment theretofore made.

Real estate acquired under clauses (2) to (5) shall be carried as an asset only in accordance with rules the commissioner prescribes. The maximum period for holding other real estate as an asset is ten years.

Sec. 6. Minnesota Statutes 2008, section 48.21, subdivision 3, is amended to read:

Subd. 3. **Real estate holdings not sold; authority to write off.** Notwithstanding any rules of the commissioner to the contrary, if real estate owned by a bank pursuant to clauses (2) to (5) of subdivision 1 is not sold or otherwise disposed of within the maximum period ~~established by rule by the commissioner~~, the bank may write off any remaining balance at a rate not less than one-fifth of that balance each subsequent calendar year."

Page 5, line 12, strike "date" and insert "dates"

Page 5, line 13, after "mandatory" insert "testing," and strike "was" and insert ", and continuing education were"

Page 6, after line 1, insert:

"Sec. 9. Minnesota Statutes 2008, section 58.126, is amended to read:

58.126 EDUCATION AND TESTING REQUIREMENT.

(a) No individual shall engage in residential mortgage origination or make residential mortgage loans, whether as an employee or independent contractor, before the completion of ~~15~~ 20 hours of educational training which has been approved by the commissioner, and covering state and federal laws concerning residential mortgage lending.

(b) In addition to the initial education requirements in paragraph (a), each individual must also complete eight hours of continuing education annually. The education must include:

(1) three hours of federal law and regulations;

(2) two hours of ethics, which must include fraud, consumer protection, and fair lending; and

(3) two hours of standards governing nontraditional mortgage lending.

(c) The commissioner may by rule establish testing requirements for individuals subject to the requirements of paragraphs (a) and (b). An individual must satisfy the testing requirements established by the commissioner before engaging in residential mortgage loan origination or making residential mortgage loans.

EFFECTIVE DATE. This section is effective September 1, 2009, and applies to license applications and renewals made on or after that date."

Page 11, line 14, delete "affected" and insert "effected"

Page 27, after line 2, insert:

EFFECTIVE DATE. (a) Domestic insurers retaining a certified public accountant on the effective date of this act who qualify as independent shall comply with this act for the year ending December 31, 2010, and each year thereafter unless the commissioner permits otherwise.

(b) Domestic insurers not retaining a certified public accountant on the effective date of this act who qualifies as independent shall meet the following schedule for compliance unless the commissioner permits otherwise.

(1) As of December 31, 2010, file with the commissioner an audited financial report.

(2) For the year ending December 31, 2010, and each year thereafter, such insurers shall file with the commissioner all reports and communication required by this section.

(c) Foreign insurers shall comply with this act for the year ending December 31, 2010, and each year thereafter, unless the commissioner permits otherwise.

(d) The requirements of subdivision 7, paragraph (b), are in effect for audits of the year beginning January 1, 2010, and thereafter.

(e) The requirements of subdivision 15 are in effect January 1, 2010. An insurer or group of insurers that is not required to have independent audit committee members or only a majority of independent audit committee members, as opposed to a supermajority, because the total written and assumed premium is below the threshold and subsequently becomes subject to one of the independence requirements due to changes in premium has one year following the year the threshold is exceeded, but not earlier than January 1, 2010, to comply with the independence requirements. Likewise, an insurer that becomes subject to one of the independence requirements as a result of a business combination has one calendar year following the date of acquisition or combination to comply with the independence requirements.

(f) An insurer or group of insurers that is not required to file a report because the total written premium is below the threshold and subsequently becomes subject to the reporting requirements has two years following the year the threshold is exceeded, but not earlier than December 31, 2010, to file a report. Likewise, an insurer acquired in a business combination has two calendar years following the date of acquisition or combination to comply with the reporting requirements.

(g) The requirements and provisions contained in this section are effective January 1, 2010, and thereafter."

Page 28, lines 21, 26, and 27, after "Table" insert "(2001 CSO)"

Page 29, line 23, before the period, insert "; TRANSITION RULES" and after the period, insert "(a)"

Page 29, line 24, delete "and similar contracts and certificates"

Page 29, after line 25, insert:

"(b) For preneed insurance policies issued on or after the effective date of this section and before January 1, 2012, the 2001 CSO may be used as the minimum standard for reserves and minimum standard for nonforfeiture benefits for both male and female insureds.

(c) If an insurer elects to use the 2001 CSO as a minimum standard for any policy issued on or after the effective date of section 1 and before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the company's asset adequacy testing, an annual written notification to the domiciliary commissioner. The notification shall include:

(1) a complete list of all preneed policy forms that use the 2001 CSO as a minimum standard;

(2) a certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed policies issued after the effective date and using the 2001 CSO as a minimum standard, develops adequate reserves (For the purposes of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies.); and

(3) supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of section 1 and using the 2001 CSO as a minimum standard for reserves.

(d) Preneed insurance policies issued on or after January 1, 2012, must use the Ultimate 1980 CSO in the calculation of minimum nonforfeiture values and minimum reserves."

Page 31, lines 27, 29, 31, and 36, strike "\$300,000" and insert "\$....."

Page 31, lines 28 and 30, strike "\$100,000" and insert "\$....."

Page 32, line 1, strike "\$100,000" and insert "\$....."

Page 34, delete section 16

Page 36, delete section 22

Page 37, delete section 24

Re-number the sections in sequence

Amend the title numbers accordingly

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

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 758: A bill for an act relating to vulnerable adults; authorizing disclosure of financial records in connection with financial exploitation investigations; modifying procedures and duties for reporting and investigating maltreatment; specifying duties of financial institutions in cases alleging financial exploitation; modifying the crime of financial exploitation; imposing criminal and civil penalties; amending Minnesota Statutes 2008, sections 13A.02, subdivision 1; 13A.04, subdivision 1; 256B.0595, subdivision 4; 299A.61, subdivision 1; 388.23, subdivision 1; 609.2335; 609.52, subdivision 3; 611A.033; 626.557, subdivisions 4, 5, 9, 9a, 9b, 9e, by adding subdivisions; 626.5572, subdivisions 5, 21; 628.26.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 13A.02, subdivision 1, is amended to read:

Subdivision 1. **Access by government.** Except as authorized by this chapter, no government authority may have access to, or obtain copies of, or the information contained in, the financial

records of any customer from a financial institution unless the financial records are reasonably described and:

- (1) the customer has authorized the disclosure;
- (2) the financial records are disclosed in response to a search warrant;
- ~~(3) the financial records are disclosed in response to a judicial or administrative subpoena; or~~

(3) the financial records are disclosed to law enforcement, a lead agency as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating financial exploitation of a vulnerable adult in response to a judicial subpoena or administrative subpoena under section 388.23;
or

- (4) the financial records are disclosed pursuant to section 609.535 or other statute or rule.

Sec. 2. Minnesota Statutes 2008, section 13A.02, subdivision 2, is amended to read:

Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of a financial institution, may provide to any government authority access to, or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.

Nothing in this chapter shall require a financial institution to inquire or determine that those seeking disclosure have duly complied with the requirements of this chapter, provided only that the customer authorization, search warrant, subpoena, or written certification pursuant to section 609.535, subdivision 6; 626.557; or other statute or rule, served on or delivered to a financial institution shows compliance on its face."

Page 4, after line 7, insert:

"Sec. 5. Minnesota Statutes 2008, section 256B.0595, subdivision 9, is amended to read:

Subd. 9. **Filing cause of action; limitation.** (a) The county of financial responsibility under chapter 256G may bring a cause of action under any or all of the following:

- (1) subdivision 1, paragraph (f);
- (2) subdivision 2, paragraphs (a) and (b);
- (3) subdivision 3, paragraph (b);
- (4) subdivision 4, ~~clause (5)~~ paragraph (d); and
- (5) subdivision 8

on behalf of the claimant who must be the commissioner.

(b) Notwithstanding any other law to the contrary, a cause of action under subdivision 2, paragraph (a) or (b), or 8, must be commenced within six years of the date the local agency determines that a transfer was made for less than fair market value. Notwithstanding any other law to the contrary, a cause of action under subdivision 3, paragraph (b), or 4, clause (5), must be commenced within six years of the date of approval of a waiver of the penalty period for a transfer for less than fair market value based on undue hardship."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1904: A bill for an act relating to insurance; regulating continuation coverage; conforming Minnesota law to the requirements necessary for assistance eligible individuals who are not enrolled in continuation coverage to receive a federal premium subsidy under the American Recovery and Reinvestment Act of 2009; amending Minnesota Statutes 2008, section 62A.17, by adding a subdivision.

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

Page 2, line 10, delete "December 31, 2009" and insert "June 30, 2009"

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

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 1469: A bill for an act relating to health; prohibiting an individual health plan from refusing to issue coverage because of a previous cesarean delivery; amending Minnesota Statutes 2008, section 62A.65, subdivision 4.

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

Page 1, line 14, after "plan" insert "or charge a higher premium"

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

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

S.F. No. 1117: A bill for an act relating to the legislature; modifying the definition of a legislative day; amending Minnesota Statutes 2008, section 3.012.

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

Page 1, line 9, delete the new language and insert "bill a second or third reading or adopts a resolution"

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

Senator Pogemiller from the Committee on Rules and Administration, to which was referred under Rule 21, together with the committee report thereon,

S.F. No. 351: A bill for an act relating to lobbyists; prohibiting former legislators, constitutional officers, and agency heads from lobbying for legislative or administrative action for two years after leaving office; proposing coding for new law in Minnesota Statutes, chapter 10A.

Reports the same back with the recommendation that the report from the Committee on State and Local Government Operations and Oversight, shown in the Journal for February 9, 2009, be adopted; that committee recommendation being:

"the bill do pass". Report adopted.

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

S.F. No. 185: A bill for an act relating to state government; extending authority for activities relating to understanding and appreciating ethnic and cultural diversity in Minnesota; amending Minnesota Statutes 2008, section 3.303, subdivision 8.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred

S.F. No. 691: A bill for an act relating to pesticides; regulating application by railroads; amending Minnesota Statutes 2008, section 18B.07, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. [18B.346] PESTICIDE APPLICATION ON RAILROAD PROPERTY.

Subdivision 1. Applicability. This section applies only to common carrier railroads.

Subd. 2. Safety information. (a) In coordination with common carrier railroad companies operating in this state, the commissioner shall provide annual pesticide safety outreach opportunities for railroad employees.

(b) A common carrier railroad that operates in this state must provide annual employee pesticide safety training opportunities.

Subd. 3. Pesticide applications. (a) A person may not directly apply a restricted use pesticide to occupied or unoccupied locomotives, track repair equipment, or on-track housing units unless the pesticide is specifically labeled for that use.

(b) Employees of common carrier railroads must not be required to work in affected areas in a manner that is inconsistent with the pesticide label.

Subd. 4. Misuse reporting. A common carrier railroad or a commercial applicator hired by the common carrier railroad to apply pesticide must report to the commissioner within four hours, or as soon as practicable, any pesticide misuse known to the railroad company or commercial applicator that occurred on railroad property or to other property under the control of the railroad company.

For the purposes of this section "misuse" means a pesticide application that violates subdivision 3 or any provision in section 18B.07."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred

S.F. No. 775: A bill for an act relating to taxation; property; modifying definition of agricultural products; amending Minnesota Statutes 2008, section 273.13, subdivision 23.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes. Report adopted.

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1172: A bill for an act relating to state government; extending the exemption from alcohol and controlled substances testing; amending Minnesota Statutes 2008, section 221.031, subdivision 10.

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1467: A bill for an act relating to traffic regulations; amending provisions related to speed limits; amending Minnesota Statutes 2008, sections 169.011, subdivisions 64, 90, by adding a subdivision; 169.14, subdivision 2.

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

Page 1, line 8, after "a" insert "city" and reinstate "or"

Page 1, line 9, after "~~street~~" insert "town road" and strike everything after "length"

Page 1, line 10, strike everything before the period

Page 1, line 14, delete "a street or highway" and insert "any city street or town road"

Page 1, line 22, delete "highway" and insert "town road"

Page 2, line 23, before the period, insert "if adopted by the road authority having jurisdiction over the rural residential district"

Page 2, line 30, delete the new language

Page 2, delete line 31 and insert "A speed limit adopted under paragraph (a), clause (8), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the rural residential district for the roadway on which the speed limit applies."

Page 3, after line 2, insert:

"Sec. 5. Minnesota Statutes 2008, section 169.14, is amended by adding a subdivision to read:

Subd. 5f. **Speed limits on certain rural residential districts.** (a) A rural residential district existing and lawfully signed before August 1, 2009, continues to qualify as a rural residential district.

(b) A rural residential district existing and lawfully signed before August 1, 2009, is subject to the speed limit signs erected before August 1, 2009.

EFFECTIVE DATE. This section is effective August 1, 2009. Paragraph (b) expires when the speed limit signs erected before August 1, 2009, are replaced."

Amend the title numbers accordingly

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

Senator Murphy from the Committee on Transportation, to which was re-referred

S.F. No. 1513: A bill for an act relating to highway construction; requiring road and transit authorities to mitigate construction impacts on small businesses; creating construction mitigation grant program; appropriating money; amending Minnesota Statutes 2008, section 160.16, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116J; 161.

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

Page 2, line 1, after "project" insert "entirely or partially funded by state or federal funds"

Page 2, line 12, after the period, insert "An applicant shall identify any nonstate funding sources available to match state funds distributed under subdivision 5."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1667: A bill for an act relating to passenger rail; prescribing duties and powers of commissioner of transportation; requiring report; proposing coding for new law in Minnesota Statutes, chapter 174.

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

Page 1, delete lines 7 and 8

Page 1, line 9, delete everything before "The"

Page 2, line 26, delete the second "and"

Page 2, line 27, after "state" insert "and local"

Page 2, line 28, delete the period and insert "; and"

Page 2, after line 28, insert:

"(7) recommend actions to provide service with geographic balance across the state."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1903: A bill for an act relating to transportation; prescribing duties and powers of commissioner of transportation with respect to passenger rail between Chicago and St. Paul; authorizing use of design-build method of contracting in high-speed rail project; proposing coding for new law in Minnesota Statutes, chapter 174.

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

Page 1, line 12, delete the period and insert "and the potential future connection to Minneapolis."

Page 1, after line 12, insert:

"Sec. 2. **ECONOMIC RECOVERY FUNDS APPLICATION.**

The commissioner of transportation shall work in cooperation with the state of Wisconsin to prepare and submit timely application under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for grant funding relating to the planning, design, development, and construction of a high-speed passenger rail line connecting Chicago, La Crescent, Winona, Red Wing, and the Union Depot Concourse Multimodal Transit Hub, located in downtown St. Paul in the area south of Kellogg Boulevard and east of Jackson Street and the potential future connection to Minneapolis."

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

Senator Murphy from the Committee on Transportation, to which was referred

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

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

Page 8, line 26, strike "(74,000)" and insert "74,000"

Page 8, line 27, strike "(74,500)" and insert "74,500"

Page 8, line 28, strike "(75,000)" and insert "75,000"

Page 8, line 29, strike "(75,500)" and insert "75,500"

Page 8, line 30, strike "(76,500)" and insert "76,500"

Page 8, line 31, strike "(77,000)" and insert "77,000"

Page 8, line 32, strike "(77,500)" and insert "77,500"

Page 8, line 33, strike "(78,000)" and insert "78,000"

Page 8, line 34, strike "(79,000)" and insert "79,000"

Page 8, line 35, strike "(79,500)" and insert "79,500"

Page 8, line 36, strike "(80,000)" and insert "80,000"

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

Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1836: A bill for an act relating to state government; appropriating money from the clean water fund for clean water legacy and drinking water protection activities; providing for a report on a star farms proposal.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance without recommendation. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 1343: A bill for an act relating to human services; establishing a special transportation services pilot project in Hennepin County; establishing an advisory committee; requiring a report.

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

Page 1, line 7, delete "and"

Page 1, line 8, delete everything before "shall"

Page 3, line 4, delete everything after "Association"

Page 3, line 5, delete "transportation providers" and delete "advisory committee established" and insert "organizational representatives listed"

Page 3, line 24, delete "Advisory committee" and insert "Consultation regarding pilot project" and delete "and"

Page 3, delete line 25 and insert "shall"

Page 3, line 26, delete everything before "a" and insert "consult with"

Page 3, line 29, after the first semicolon, insert "the Minnesota chapter of"

Page 3, line 31, after the semicolon, insert "special transportation providers;"

Page 3, line 32, before the period, insert "regarding the development and administration of the pilot project"

Page 3, line 33, delete everything after "Association"

Page 3, delete line 34 and insert ", in consultation with the organizational representatives listed in subdivision 8, shall report"

Page 3, line 35, delete "house of representatives and senate" and insert "chairs and ranking minority members of the legislative"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 532: A bill for an act relating to rulemaking; authorizing notice by electronic mail; amending Minnesota Statutes 2008, sections 14.07, subdivision 6; 14.14, subdivision 1a; 14.22, subdivision 1; 14.389, subdivision 2; 14.3895, subdivision 3.

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 1153: A bill for an act relating to state employees; requiring that health insurance benefits be made available to domestic partners of state employees if they are also made available to spouses; amending Minnesota Statutes 2008, sections 43A.02, by adding a subdivision; 43A.24, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 1125: A bill for an act relating to counties; providing for appointment and consolidation of certain county offices, subject to notice, hearing, reverse referendum; amending Minnesota Statutes 2008, sections 375A.10, subdivision 5; 375A.12, subdivision 2, by adding a subdivision; 382.01.

Reports the same back with the recommendation that the bill do pass and be re-referred to the

Committee on Rules and Administration. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 837: A bill for an act relating to elections; increasing percentage of votes a candidate for statewide or legislative office must receive in order to obtain public financing; amending Minnesota Statutes 2008, section 10A.31, subdivision 7.

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

Page 1, line 17, delete "15" and insert "five"

Page 1, line 18, after "election" insert "in each congressional district"

Page 1, line 19, delete "15" and insert "ten"

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 791: A bill for an act relating to elections; removing a requirement for a recount in certain statewide elections and requiring a special runoff election; authorizing the use of public money for runoff elections; appropriating money; amending Minnesota Statutes 2008, sections 10A.315; 204C.35, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 204D.

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

Page 2, line 29, after "the" insert "State Canvassing Board determines that the"

Page 2, delete lines 33 to 35 and insert "votes counted for that office, the State Canvassing Board shall notify the governor in writing and may not certify the report required for the general election result for that office under section 204C.33, subdivision 3. Within five days after receiving notice from the State Canvassing Board, the governor shall issue"

Page 3, line 27, delete "If the difference between the votes of any two candidates" and insert "Section 204C.35, subdivision 2, does not apply to an election under this section."

Page 3, delete lines 28 to 30

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 568: A bill for an act relating to civil law; extending civil immunity to municipalities that donate public safety equipment; amending Minnesota Statutes 2008, section 466.03, by adding a subdivision.

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 1033: A bill for an act relating to housing; modifying municipality rent control provisions; amending Minnesota Statutes 2008, section 471.9996, subdivision 1.

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 1837: A bill for an act relating to public finance; authorizing the cities of Chisago City and Lindstrom to establish a joint venture, issue debt for use outside of the jurisdiction, and share revenues.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 1118: A bill for an act relating to criminal justice; requiring the Sentencing Guidelines Commission and the Departments of Corrections and Public Safety to review its reports; requiring Department of Corrections to annually report on felony DWI offenders; requiring that reports to the legislature by criminal justice agencies be submitted electronically; repealing reports on out-of-state juvenile placement; amending Minnesota Statutes 2008, section 3.195, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 244; repealing Minnesota Statutes 2008, sections 260B.199, subdivision 2; 260B.201, subdivision 3.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 1566: A bill for an act relating to human services; amending health care eligibility provisions for medical assistance, MinnesotaCare, and general assistance medical care; establishing a Drug Utilization Review Board; authorizing rulemaking; requiring a report; amending Minnesota Statutes 2008, sections 62J.2930, subdivision 3; 245.494, subdivision 3; 256.015, subdivision 7; 256.969, subdivision 3a; 256B.037, subdivision 5; 256B.056, subdivisions 1c, 3c, 6; 256B.0625, by adding subdivisions; 256B.094, subdivision 3; 256B.195, subdivisions 1, 2, 3; 256B.69, subdivision 5a; 256B.77, subdivision 13; 256D.03, subdivision 3; 256L.01, by adding a subdivision; 256L.03, subdivision 5; 256L.15, subdivision 2; 507.092, by adding a subdivision; Laws 2005, First Special Session chapter 4, article 8, sections 54; 61; 63; 66; 74; repealing Minnesota Statutes 2008, sections 256B.031; 256L.01, subdivision 4; Laws 2005, First Special Session chapter 4, article 8, sections 21; 22; 23; 24.

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

Page 11, line 36, after the period, insert "Notwithstanding section 15.059, subdivision 5, the board is permanent and does not expire."

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 916: A bill for an act relating to transportation; requiring certain government purchases of electric vehicles; regulating electric vehicle infrastructure; establishing incentives for adoption and use of electric vehicles; amending Minnesota Statutes 2008, sections 16C.135, by adding a subdivision; 160.93, subdivisions 4, 5, by adding a subdivision; 169.011, by adding subdivisions; 216B.02, subdivision 4; 326B.106, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 325F; 471.

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

Page 5, delete section 9

Page 7, line 31, delete "has the meaning" and insert "means"

Page 7, delete line 32 and insert "structures, electrical circuitry, and other electrical equipment and ancillary structures and equipment that enable an electric vehicle to recharge its battery or to exchange a battery pack, but does not include any infrastructure owned by an electric utility."

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 1253: A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, libraries, and self-sufficiency and lifelong learning; making technical corrections; amending Minnesota Statutes 2008, sections 16A.06, subdivision 11; 120A.40; 120B.02; 120B.021, subdivision 1; 120B.023, subdivision 2; 120B.024; 120B.13, subdivision 1; 120B.30, subdivisions 1, 1a; 120B.31, subdivision 4; 122A.07, subdivisions 2, 3; 122A.31, subdivision 4; 123A.05; 123A.06; 123A.08; 123B.14, subdivision 7; 123B.51, by adding a subdivision; 123B.77, subdivision 3; 123B.81, subdivisions 3, 4, 5; 123B.83, subdivision 3; 124D.095, subdivisions 3, 4, 7, 10; 124D.10; 124D.11, subdivision 9; 124D.128, subdivisions 2, 3; 124D.135, subdivision 3; 124D.15, subdivisions 1, 3, by adding subdivisions; 124D.19, subdivisions 10, 14; 124D.522; 124D.60, subdivision 1; 124D.68, subdivisions 2, 3, 4, 5; 125A.11, subdivision 1; 125A.15; 125A.28; 125A.51; 125A.62, subdivision 8; 125A.69, by adding a subdivision; 125A.744, subdivision 3; 125A.76, subdivision 1; 126C.05, subdivisions 2, 15, 20; 126C.10, subdivision 34; 126C.15, subdivisions 2, 4; 126C.40, subdivision 6; 126C.44; 127A.08, by adding a subdivision; 127A.47, subdivisions 5, 7; 134.31,

subdivision 4a, by adding a subdivision; 299A.297; proposing coding for new law in Minnesota Statutes, chapters 120B; 124D; repealing Minnesota Statutes 2008, sections 121A.27; 124D.13, subdivision 13.

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

Page 25, line 33, delete everything after "effective" and insert "retroactively to June 30, 2008."

Page 27, line 4, after the period, insert "The commissioner shall consider geographic balance when appointing council members."

Page 42, after line 7, insert:

"EFFECTIVE DATE. Subdivision 2a, paragraph (b), is effective retroactively to June 30, 2007."

Pages 52 to 53, delete sections 29 and 30 and insert:

"Sec. 29. **APPOINTMENTS TO CHARTER SCHOOL ADVISORY COUNCIL.**

The commissioner shall complete the appointments required under Minnesota Statutes, section 124D.10, subdivision 2a, no later than September 1, 2009. The commissioner's designee shall convene the first meeting of the council no later than October 1, 2009."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 1226: A bill for an act relating to transportation; creating Minnesota Council on Transportation Access to improve availability and coordination of services to the transit public; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 174.

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

Page 2, line 24, delete the second "transportation"

Page 2, line 25, delete "disadvantaged" and insert "transit public"

Page 2, line 34, after "party" insert "appointed by the majority leader,"

Page 2, line 35, delete "Subcommittee on Committees of the Committee on" and insert "minority leader;"

Page 2, delete line 36

Page 3, line 22, delete "Biennially by October 1, beginning in 2010," and insert "By January 15 of each year, beginning in 2011,"

Page 3, line 24, after "chairs" insert "and ranking minority members"

Page 3, line 25, delete "15.059" and insert "3.195"

Page 3, after line 25, insert:

"Subd. 5. **Compensation.** Members of the committee shall receive compensation and reimbursement of expenses as provided in section 15.059, subdivision 3."

Page 3, line 26, delete "5" and insert "6" and delete "....." and insert "June 30, 2013."

Page 3, line 28, delete "Legislative"

Page 3, line 29, delete "Coordinating Commission" and insert "commissioner of transportation"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 1705: A bill for an act relating to railroads; modifying membership on Commuter Rail Corridor Coordinating Committee; amending Minnesota Statutes 2008, section 174.86, subdivision 5.

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

Page 2, delete line 4 and insert "of the senate Subcommittee on Committees of the Committee on Rules and Administration."

Page 2, after line 8, insert:

"Sec. 2. **DEADLINE FOR APPOINTMENTS.**

The appointing authorities for the new members provided in Minnesota Statutes, section 174.86, subdivision 5, shall complete their appointments no later than September 1, 2009."

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 1551: A bill for an act relating to insurance; creating an Autism Spectrum Disorder Task Force; providing appointments; requiring a report.

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

Delete everything after the enacting clause and insert:

"Section 1. **AUTISM SPECTRUM DISORDER JOINT TASK FORCE.**

(a) The Autism Spectrum Disorder Joint Task Force is composed of 27 members, appointed as follows:

(1) two members of the senate, one appointed by the majority leader and one appointed by the minority leader;

(2) two members of the house of representatives, one from the majority party, appointed by the speaker of the house, and one from the minority party, appointed by the minority leader; and

(3) ten public members appointed by the legislature, with regard to geographic diversity in the state, with the senate Subcommittee on Committees of the Committee on Rules and Administration making the appointments for the senate, and the speaker of the house making the appointments for the house:

(i) three members who are parents of children with autism spectrum disorder (ASD), two of whom shall be appointed by the senate, and one of whom shall be appointed by the house;

(ii) two members who have ASD, one of whom shall be appointed by the senate, and one by the house;

(iii) one member representing an agency that provides residential housing services to individuals with ASD, appointed by the house;

(iv) one member representing an agency that provides employment services to individuals with ASD, appointed by the senate;

(v) one member who is a behavior analyst, appointed by the house; and

(vi) two members who are providers of ASD therapy, with one member appointed by the senate and one member appointed by the house;

(4) one member appointed by the Minnesota chapter of the American Academy of Pediatrics who is a developmental behavioral pediatrician;

(5) one member appointed by the Minnesota Academy of Family Medicine who is a family practice physician;

(6) one member appointed by the Minnesota Psychiatric Society who is a neuropsychiatrist;

(7) one member appointed by the Minnesota Academy of Family Practice;

(8) one member appointed by the Association of Minnesota Counties;

(9) one member appointed by the Minnesota Association of School Administrators;

(10) one member appointed by the ASD school classroom specialists;

(11) one member appointed by the directors of public school student support services;

(12) one member appointed by the Somali American Autism Foundation;

(13) one member appointed by the ARC of Minnesota;

(14) one member appointed by the Autism Society of Minnesota;

(15) one member appointed by the Parent Advocacy Coalition for Educational Rights; and

(16) one member appointed by the Minnesota Council of Health Plans.

Appointments must be made by September 1, 2009. The Legislative Coordinating Commission shall provide meeting space for the task force. The senate member appointed by the minority leader of

the senate shall convene the first meeting of the task force no later than October 1, 2009. The task force shall elect a chair from among the public members at the first meeting.

(b) The commissioners of education, employment and economic development, health, and human services shall provide assistance to the task force, including providing the task force with a count of children who have ASD with an individual education program or an individual family service plan and children with ASD who have a 504 plan. Additionally, the commissioner of human services shall submit a count of the adults with ASD enrolled in social service programs and the number of individuals with ASD who are enrolled in medical assistance and other waiver programs.

(c) The task force shall examine the following topics:

(1) ways to improve services provided by all state and political subdivisions;

(2) sources of public funding available for treatment and ways to improve efficiency in the use of these funds;

(3) methods to improve coordination in the delivery of service between public and private agencies, health providers, and schools;

(4) increasing the availability of and the training for medical providers and educators who identify and provide services to individuals with ASD;

(5) increasing the availability of and the training for educators who identify and educate individuals with ASD;

(6) ways to enhance Minnesota's role in ASD research and delivery of service;

(7) methods to educate parents, family members, and the public on ASD and the required services; and

(8) treatment options for individuals with ASD.

(d) The task force shall:

(1) coordinate with existing efforts at the Departments of Education, Health, Human Services, and Employment and Economic Development related to ASD; and

(2) apply peer-reviewed, established scientific research to their recommendations concerning the most effective treatment methods.

(e) By January 15 of each year, the task force shall provide a report regarding its findings and consideration of the topics listed under paragraph (c), and the action taken under paragraph (d), including draft legislation if necessary, to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services.

EFFECTIVE DATE. This section is effective July 1, 2009, and expires June 30, 2011."

Amend the title as follows:

Page 1, line 2, delete "insurance" and insert "health"

And when so amended the bill do pass and be re-referred to the Committee on Health, Housing and Family Security. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 768: A bill for an act relating to elections; changing certain provisions governing ballot validity and recounts; imposing a penalty; amending Minnesota Statutes 2008, sections 204C.22, subdivision 13; 204C.35, subdivision 1, by adding a subdivision; 204C.36, subdivision 1; 206.89, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 204C.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2008, section 204B.44, is amended to read:

204B.44 ERRORS AND OMISSIONS; REMEDY.

(a) Any individual may file a petition in the manner provided in this section for the correction of any of the following errors, omissions, or wrongful acts which have occurred or are about to occur:

~~(a)~~ (1) an error or omission in the placement or printing of the name or description of any candidate or any question on any official ballot;

~~(b)~~ (2) any other error in preparing or printing any official ballot;

~~(c)~~ (3) failure of the chair or secretary of the proper committee of a major political party to execute or file a certificate of nomination; or

~~(d)~~ (4) any wrongful act, omission, or error of any election judge, municipal clerk, county auditor, canvassing board or any of its members, the secretary of state, or any other individual charged with any duty concerning an election.

(b) The petition shall describe the error, omission, or wrongful act and the correction sought by the petitioner. The petition shall be filed with any judge of the Supreme Court in the case of an election for state or federal office or any judge of the district court in that county in the case of an election for county, municipal, or school district office. The petitioner shall serve a copy of the petition on the officer, board or individual charged with the error, omission, or wrongful act, and on any other party as required by the court. Upon receipt of the petition the court shall immediately set a time for a hearing on the matter and order the officer, board or individual charged with the error, omission or wrongful act to correct the error or wrongful act or perform the duty or show cause for not doing so. The court shall issue its findings and a final order for appropriate relief as soon as possible after the hearing. Failure to obey the order is contempt of court.

(c) An order issued under this section may not authorize the candidates in an election to determine whether an absentee ballot envelope was improperly rejected."

Page 1, line 12, after "written" insert "completely"

Page 1, line 15, strike "Automatic" and insert "Required"

Page 2, line 3, delete "contest" and insert "nomination"

Page 2, line 18, delete "contest" and insert "general election"

Page 2, after line 28, insert:

"Sec. 4. Minnesota Statutes 2008, section 204C.35, subdivision 2, is amended to read:

Subd. 2. Discretionary candidate recount. (a) A losing candidate whose name was on the ballot for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by ~~this section~~ subdivision 1. The votes shall be manually recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; the costs of computer operation, preparation of ballot counting equipment, necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

(c) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(d) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(e) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on election day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount."

Page 4, line 5, delete "residents of" and insert "registered voters in"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "preventing candidates in an election from determining validity of an absentee ballot envelope;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 157: A bill for an act relating to elections; providing for a presidential primary; expanding the definition of public official in campaign finance and public disclosure law; requiring primaries for election of soil and water conservation district supervisors; amending Minnesota Statutes 2008, sections 10A.01, subdivision 35; 103C.305, subdivision 1; 201.014, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 207A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. **Time and manner of holding; postponement.** (a) In every state general election year that is not a presidential election year, beginning at 7:00 p.m. on the date established pursuant to paragraph (b), there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19.

(b)(1) The chairs of the two largest major political parties shall jointly submit to the secretary of state, no later than March 1 of each odd-numbered year, the single date on which the two parties have agreed to conduct their precinct caucuses in the next even-numbered year.

(2) On March 1 of each odd-numbered year, the secretary of state shall publicly announce the official state precinct caucus date for the following general election year.

(3) If the chairs of the two largest major political parties do not jointly submit a single date for conducting their precinct caucuses as provided in this paragraph, then for purposes of the next general election year, the first Tuesday in February shall be considered the day of a major political party precinct caucus and sections 202A.19 and 202A.192 shall only apply on that date.

(4) For purposes of this paragraph, the two largest major political parties shall be the parties whose candidates for governor received the greatest and second greatest number of votes at the most recent gubernatorial election.

(c) In the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal Weather Bureau and the Department of Transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

(d) In every presidential election year, the party caucus shall be held on the date of the presidential primary as provided in section 202A.81, except that the caucus may be postponed as provided in paragraph (c).

Sec. 2. Minnesota Statutes 2008, section 202A.18, subdivision 2a, is amended to read:

Subd. 2a. **Preference ballot.** Prior to the opening of nominations for the election of permanent offices and delegates, a ballot must be distributed to permit caucus participants to indicate their preference for the ~~offices of president of the United States or~~ office of governor and the office of

United States senator, when applicable. The results of preference voting must be reported to the secretary of state immediately upon conclusion of the voting, in the manner provided by the secretary of state. The secretary of state shall provide the appropriate forms to the party for reporting the results.

Sec. 3. Minnesota Statutes 2008, section 202A.19, is amended by adding a subdivision to read:

Subd. 7. **Section not to apply; when.** This section does not apply to a major party caucus held on a day other than the day prescribed by section 202A.14, subdivision 1.

Sec. 4. Minnesota Statutes 2008, section 202A.192, is amended to read:

202A.192 USE OF PUBLIC FACILITIES.

Every statutory city, home rule charter city, county, town, school district, and other public agency, including the University of Minnesota and other public colleges and universities, shall make their facilities available for the holding of precinct caucuses held on the day prescribed by section 202A.14, subdivision 1, and for legislative district or county conventions required by this chapter. A charge for the use of the facilities may be imposed in an amount that does not exceed the lowest amount charged to any public or private group.

Sec. 5. **[202A.81] PRESIDENTIAL PRIMARY.**

Subdivision 1. **Presidential years.** In each year in which a president and vice president of the United States are to be nominated and elected, a presidential primary must be held as provided in sections 202A.81 to 202A.88. The voters of this state may express their preference among the candidates of the major political party of their choice for that party's nomination to be president of the United States or may indicate a preference for uncommitted delegates to the national party convention.

Subd. 2. **Date.** The date of the presidential primary must be set by the secretary of state in consultation with the major political parties in accordance with the following limitations, with the goal of creating a Midwest regional primary:

(a) The date must be no earlier than the date of the first presidential primary or caucus held in more than one state in the Midwest, defined as the states lying entirely west of Pennsylvania, north of Arkansas, and east of Wyoming, and no later than five weeks after that date.

(b) The secretary of state must announce the date of the presidential primary no later than:

(1) one day after the date has been finally established for the first presidential primary or caucus in the Midwest; and

(2) eleven weeks before the date set for the presidential primary.

Sec. 6. **[202A.82] CANDIDATES ON BALLOT.**

Subdivision 1. **Required listing.** After filing the affidavit of candidacy prescribed by subdivision 2, the following individuals must be listed as candidates on the presidential primary ballot:

(1) any individual who submits a filing fee of \$5,000; and

(2) any individual nominated as a candidate for the presidential nomination of a political party

by a petition submitted not later than ten weeks before the primary and bearing the names of 1,000 eligible voters from each congressional district.

Subd. 2. **Affidavit of candidacy.** A candidate who seeks the nomination of a major political party for president of the United States shall state on the affidavit of candidacy that the candidate is a natural born citizen of the United States and will have been 14 years a resident within the United States and attained the age of 35 years on the next January 20.

Subd. 3. **Time for filing.** The period for filing an affidavit of candidacy under subdivision 1, clause (1), for the presidential primary must begin 16 weeks before the primary and end 14 weeks before the primary. The period for signing nominating petitions must begin 16 weeks before the primary and end ten weeks before the primary. An affidavit of candidacy filed under subdivision 1, clause (2), is due ten weeks before the primary.

Subd. 4. **Announcing candidates.** Candidates who have filed an affidavit of candidacy under subdivision 1, clause (1), for each political party on the presidential primary ballot must be announced by the secretary of state the day after filings close for the purpose of giving voters sufficient time to nominate other candidates by petition.

Subd. 5. **Announcement.** The determination of which candidates must be listed on the presidential primary ballot must be made by the secretary of state not later than eight weeks before the presidential primary. The secretary of state shall certify to the county auditor of each county the names of all candidates in the presidential primary at least seven weeks before the primary.

Sec. 7. **[202A.83] PRESIDENTIAL PRIMARY; HOW CONDUCTED.**

Except as otherwise provided in sections 202A.81 to 202A.88, the presidential primary must be conducted and the results canvassed and returned in the manner provided by law for the state primary.

Sec. 8. **[202A.84] AUDITOR FURNISHED INFORMATION BY SECRETARY OF STATE; BALLOT PREPARATION.**

Subdivision 1. **Notice of filing period.** Within one day after setting the date of the presidential primary under section 202A.81, the secretary of state shall provide notice of the date to the county auditor of each county. Within ten days after notification by the secretary of state, each county auditor shall provide notice of the date to each municipal clerk in the county.

Subd. 2. **Notice of primary.** At least two weeks before the date of the presidential primary, each municipal clerk shall post a public notice stating the date of the presidential primary, the location of each polling place in the municipality, and the hours during which the polling places in the municipality will be open. The county auditor shall post a similar notice in the auditor's office with information for any polling places in unorganized territory in the county. The governing body of a municipality or county may publish the notice in addition to posting it. Failure to give notice does not invalidate the election.

Sec. 9. **[202A.85] SELECTION OF DELEGATES; NATIONAL CONVENTION BALLOTING.**

The delegates to the national convention of each major political party whose candidates appear on the presidential primary ballot must be chosen through the caucus and convention procedures as

described in this chapter. By July 1 of each year in which a presidential primary is held, the secretary of each party's state convention or congressional district convention shall notify the secretary of state of the names of the delegates to the national convention chosen and the names of the candidates to which the delegates have been apportioned. Except for candidates who have notified the political party that they are no longer a candidate, a political party whose apportionment of delegates does not provide to each candidate at least as great a proportion of delegates to the national convention as the proportion of votes the candidate received in the presidential primary ceases to be eligible for the ten percent political party checkoff in section 10A.31, subdivision 5, paragraph (b), clause (6), and ceases to be eligible to issue political contribution refund receipt forms under section 290.06, subdivision 23, during the remainder of that year.

Sec. 10. **[202A.88] REIMBURSEMENT OF ELECTION EXPENSES.**

Subdivision 1. **Duties of secretary of state.** The secretary of state shall reimburse the counties and municipalities for expenses incurred in the administration of the presidential primary from money appropriated by the legislature for this purpose, as provided in this section. Up to \$7,500 of the appropriation for reimbursement of election expenses may be retained by the secretary of state to administer the reimbursement program.

Subd. 2. **Reimbursable expenses.** The following expenses are eligible for reimbursement: preparation and printing of ballots; postage for absentee ballots; publication of the sample ballot; preparation of polling places, in an amount not to exceed \$25 per polling place; preparation of electronic voting systems, in an amount not to exceed \$50 per precinct; compensation for temporary staff or overtime payments; salaries of election judges; and compensation of county canvassing board members.

Subd. 3. **Certification of costs.** Within 60 days after the presidential primary, the county auditor shall submit to the secretary of state a request for payment of the costs incurred by the county for the presidential primary, and the municipal clerk shall submit to the secretary of state a request for payment of the costs incurred by the municipality for the presidential primary. The request for payment must be accompanied by an itemized description of actual county or municipal expenditures, including copies of invoices. In addition, the county auditor or municipal clerk must certify that the request for reimbursement is based on actual costs incurred by the county or municipality in the presidential primary. The secretary of state shall provide each county and municipality with the appropriate forms for this certification. The secretary of state must not reimburse expenses unless the certification of costs has been submitted as provided in this subdivision. The secretary of state shall complete the issuance of reimbursements to the counties and municipalities no later than 90 days after the presidential primary.

Subd. 4. **Limit on payments.** If the total amount certified by all units for temporary staff and overtime payments exceeds \$480,000, the secretary of state shall reduce those amounts so that they do not exceed \$480,000.

Subd. 5. **Apportionment of reimbursements.** If the total amount of requests from all counties and municipalities for reimbursement of expenses exceeds the total amount appropriated to the secretary of state for this purpose, the secretary of state shall apportion the reimbursements to the counties and municipalities on the basis of the number of persons in each jurisdiction registered to vote at 7:00 a.m. on the day of the presidential primary as a fraction of the total number of persons registered to vote in the state at that time in jurisdictions that request reimbursement.

Sec. 11. Minnesota Statutes 2008, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

At the presidential primary, the polling place roster must also state: "I am in agreement with the principles of the party for whose candidate I intend to vote, and I either voted or affiliated with the party at the last state general election or intend to vote or affiliate with the party at the next state general election."

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Sec. 12. [204D.045] PRESIDENTIAL PRIMARY BALLOTS.

Subdivision 1. **Form.** Except as provided in this section, presidential primary ballots shall be printed in the same manner as state primary ballots as far as practicable. A sufficient number shall be printed for each precinct and ward in the state.

Subd. 2. **Headings.** Each ballot shall be headed by the words "Presidential Primary Ballot."

Subd. 3. **Order of names.** (a) The candidates must be listed on the presidential primary ballot in the order that the affidavits of candidacy were filed with the secretary of state.

(b) The presidential primary ballot must contain a place for the voter to indicate a preference for having delegates to the party's national convention remain uncommitted.

(c) The ballot must contain a blank line printed below the other choices on the ballot so that a voter may write in the name of a person who is not listed on the ballot.

Sec. 13. [204D.046] EXAMPLE BALLOTS; SAMPLE PRESIDENTIAL PRIMARY BALLOTS.

Subdivision 1. **Example ballot.** No later than October 1 of the year before the presidential election, the secretary of state shall supply each county auditor with a copy of an example ballot. The example ballot must illustrate the format required for the ballots used in the presidential primary the following year. The official ballots must conform in all respects to the example ballot.

Subd. 2. **Sample ballot.** At least two weeks before the presidential primary, the county auditor shall prepare a sample presidential primary ballot for public inspection. The names of all of the candidates to be voted for in the county shall be placed on the sample ballots in the order in which they will appear on the ballots. The county auditor shall post the sample ballot in a conspicuous place in the auditor's office, and in each polling location on election day and on the county's Web site."

Delete the title and insert:

"A bill for an act relating to elections; establishing a presidential primary; amending Minnesota Statutes 2008, sections 202A.14, subdivision 1; 202A.18, subdivision 2a; 202A.19, by adding a subdivision; 202A.192; 204C.10; proposing coding for new law in Minnesota Statutes, chapters 202A; 204D."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

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

H.F. No. 865 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.
				865	983

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 865 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 865, the first engrossment; and insert the language after the enacting clause of S.F. No. 983; further, delete the title of H.F. No. 865, the first engrossment; and insert the title of S.F. No. 983.

And when so amended H.F. No. 865 will be identical to S.F. No. 983, and further recommends that H.F. No. 865 be given its second reading and substituted for S.F. No. 983, 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. 1797 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.
1797	1511				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1797 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1797, the first engrossment; and insert the language after the enacting clause of S.F. No. 1511, the first engrossment; further, delete the title of H.F. No. 1797, the first engrossment; and insert the title of S.F. No. 1511, the first engrossment.

And when so amended H.F. No. 1797 will be identical to S.F. No. 1511, and further recommends that H.F. No. 1797 be given its second reading and substituted for S.F. No. 1511, 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 SENATE BILLS

S.F. Nos. 1849, 1904, 1469, 1117, 351, 1172, 1467, 1903, 1876, 532, 837, 568, 1033, 1566, 916 and 1705 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 865 and 1797 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Wiger moved that the names of Senators Vickerman, Erickson Ropes, Ingebrigtsen and Hann be added as co-authors to S.F. No. 18. The motion prevailed.

Senator Vandever moved that the name of Senator Fobbe be added as a co-author to S.F. No. 775. The motion prevailed.

Senator Foley moved that the name of Senator Sheran be added as a co-author to S.F. No. 1492. The motion prevailed.

Senator Senjem moved that the name of Senator Sieben be added as a co-author to S.F. No. 1551. The motion prevailed.

Senator Prettnner Solon moved that the name of Senator Vickerman be added as a co-author to S.F. No. 1911. The motion prevailed.

Senator Saxhaug moved that the names of Senators Chaudhary and Frederickson be added as co-authors to S.F. No. 1927. The motion prevailed.

Senator Dille moved that S.F. No. 133, No. 13 on General Orders, be stricken and re-referred to the Committee on Rules and Administration. The motion prevailed.

Senator Sheran moved that S.F. No. 839 be withdrawn from the Committee on Business, Industry and Jobs, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 839 was read the second time.

Senator Pappas moved that S.F. No. 1370 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes. The motion prevailed.

Senator Johnson introduced –

Senate Resolution No. 63: A Senate resolution congratulating Michael Robert Moen, Jr. of Coon Rapids, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Pariseau and Sieben introduced –

Senate Resolution No. 64: A Senate resolution recognizing the significant contributions of women in Minnesota in honor of Women's History Month.

Referred to the Committee on Rules and Administration.

Senator Pogemiller introduced –

Senate Resolution No. 65: A Senate resolution adopting Permanent Rules of the Senate.

Senator Pogemiller moved that Senate Resolution No. 65 be laid on the table. The motion prevailed.

Senators Pogemiller and Senjem introduced –

Senate Concurrent Resolution No. 7: A Senate concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments, the Senate and House of Representative may each set their next day of meeting for Tuesday, April 14, 2009.

2. Each house consents to adjournment of the other house for more than three days.

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

Senator Pogemiller introduced –

Senate Resolution No. 66: A Senate resolution relating to postage; amending Senate Resolution 2

No. 5.

Senator Pogemiller moved that Senate Resolution No. 66 be laid on the table. The motion prevailed.

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. 1797 and that the rules of the Senate be so far suspended as to give H.F. No. 1797, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H.F. No. 1797: A bill for an act relating to transportation; providing for receipt and appropriation of federal economic recovery funds; amending Minnesota Statutes 2008, section 161.36, by adding a subdivision.

Senator Murphy moved that the amendment made to H.F. No. 1797 by the Committee on Rules and Administration in the report adopted March 30, 2009, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1797 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	Doll	Kelash	Olson, G.	Senjem
Bakk	Erickson Ropes	Koch	Olson, M.	Sheran
Berglin	Fischbach	Koering	Pappas	Sieben
Betzold	Fobbe	Kubly	Pariseau	Skoe
Bonoff	Foley	Langseth	Pogemiller	Skogen
Carlson	Frederickson	Limmer	Prettner Solon	Sparks
Chaudhary	Gerlach	Lourey	Rest	Stumpf
Clark	Gimse	Lynch	Robling	Tomassoni
Cohen	Hann	Marty	Rosen	Torres Ray
Dahle	Higgins	Metzen	Rummel	Vanderveer
Day	Ingebrigtsen	Michel	Saltzman	Vickerman
Dibble	Johnson	Murphy	Saxhaug	Wiger
Dille	Jungbauer	Olseen	Scheid	

So the bill passed and its title was agreed to.

SPECIAL ORDERS

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

S.F. Nos. 1197 and 1329.

SPECIAL ORDER

S.F. No. 1197: A bill for an act relating to unemployment insurance; conforming Minnesota law to the requirements necessary to receive federal stimulus funds; appropriating money; amending Minnesota Statutes 2008, sections 268.035, subdivisions 4, as amended, 21a, 23a, by adding a subdivision; 268.07, subdivisions 1, 2; 268.085, subdivision 15; 268.095, subdivisions 1, 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Koch

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1329: A bill for an act relating to the Public Facilities Authority; providing for use of federal funds allocated to the state by the American Recovery and Reinvestment Act; providing for clean water and drinking water loans and grants; appropriating money; amending Minnesota Statutes 2008, sections 446A.07, subdivision 7; 446A.081, subdivision 8.

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	Cohen	Fobbe	Johnson	Lourey
Bakk	Dahle	Foley	Jungbauer	Lynch
Berglin	Day	Frederickson	Kelash	Marty
Betzold	Dibble	Gerlach	Koch	Metzen
Bonoff	Dille	Gimse	Koering	Michel
Carlson	Doll	Hann	Kubly	Murphy
Chaudhary	Erickson Ropes	Higgins	Langseth	Olseen
Clark	Fischbach	Ingebrigtsen	Limmer	Olson, G.

Olson, M.	Rest	Saxhaug	Skoe	Torres Ray
Ortman	Robling	Scheid	Skogen	Vandever
Pappas	Rosen	Senjem	Sparks	Vickerman
Pogemiller	Rummel	Sheran	Stumpf	Wiger
Prettner Solon	Saltzman	Sieben	Tomassoni	

So the bill passed 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 Calendar. The motion prevailed.

CALENDAR

S.F. No. 33: A bill for an act relating to pupil transportation; modifying qualifications for type III school bus drivers; amending Minnesota Statutes 2008, section 171.02, subdivision 2b.

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

So the bill passed and its title was agreed to.

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

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 4, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Dibble	Fobbe	Hann
Bakk	Clark	Dille	Foley	Higgins
Berglin	Cohen	Doll	Frederickson	Ingebrigtsen
Bonoff	Dahle	Erickson Ropes	Gerlach	Johnson
Carlson	Day	Fischbach	Gimse	Kelash

Koch	Metzen	Pappas	Saltzman	Skogen
Koering	Michel	Pogemiller	Saxhaug	Sparks
Kubly	Murphy	Prettner Solon	Scheid	Stumpf
Langseth	Olseen	Rest	Senjem	Tomassoni
Lourey	Olson, G.	Robling	Sheran	Torres Ray
Lynch	Olson, M.	Rosen	Sieben	Vickerman
Marty	Ortman	Rummel	Skoe	Wiger

Those who voted in the negative were:

Betzold	Jungbauer	Limmer	Vandevveer
---------	-----------	--------	------------

So the bill passed and its title was agreed to.

S.F. No. 284: A bill for an act relating to elections; applying certain privileges to major political party caucuses held in cities of the first class during odd-numbered years; proposing coding for new law in Minnesota Statutes, chapter 202A.

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

So the bill passed and its title was agreed to.

S.F. No. 164: A bill for an act relating to adoption; requiring affidavit regarding disclosure of birth records; requiring updated nonidentifying medical history information; amending Minnesota Statutes 2008, section 259.89, subdivisions 1, 2, 4, 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 62 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Fobbe	Kelash	Marty
Bakk	Dahle	Foley	Koch	Metzen
Berglin	Day	Frederickson	Koering	Michel
Betzold	Dibble	Gerlach	Kubly	Murphy
Bonoff	Dille	Gimse	Langseth	Olseen
Carlson	Doll	Hann	Limmer	Olson, G.
Chaudhary	Erickson Ropes	Higgins	Lourey	Olson, M.
Clark	Fischbach	Ingebrigtsen	Lynch	Ortman

Pappas	Robling	Scheid	Skogen	Vickerman
Pariseau	Rosen	Senjem	Sparks	Wiger
Pogemiller	Rummel	Sheran	Stumpf	
Prettner Solon	Saltzman	Sieben	Tomassoni	
Rest	Saxhaug	Skoe	Torres Ray	

Those who voted in the negative were:

Johnson	Jungbauer	Vandever
---------	-----------	----------

So the bill passed 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 Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S.F. No. 675: A bill for an act relating to health; making technical changes for emergency medical services; amending Minnesota Statutes 2008, section 144E.101, subdivisions 6, 7.

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

So the bill passed and its title was agreed to.

RECESS

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

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

CALL OF THE SENATE

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

in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1569: A bill for an act relating to state government; reorganizing the administration of various training and employment functions; transferring various responsibilities to Minnesota State Colleges and Universities.

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

Delete everything after the enacting clause and insert:

"Section 1. EMPLOYMENT, TRAINING, AND EDUCATION; COORDINATION OF SERVICES; COLLABORATIVE LOCAL PROJECTS.

Subdivision 1. State agency collaboration and cooperation. The Department of Employment and Economic Development, the governor's Workforce Development Council, the Department of Human Services, the Department of Education with respect to K-12 institutions and adult basic education, the University of Minnesota, and the Minnesota State Colleges and Universities system shall cooperate with the collaborative local projects created by this section to achieve the goals in subdivision 2 with respect to employment, training, and education programs administered by those agencies and systems.

Subd. 2. Employment, training, and education goals. The goals of state workforce employment, training, and education include, but are not limited to:

- (1) engage low-skilled workers in increasing their skill levels;
- (2) provide skill training while upgrading basic skill levels;
- (3) improve the provision of skill training to individuals currently working;
- (4) integrate employer contact efforts to improve responsiveness to employer's needs;
- (5) strengthen employer input with training curriculum;
- (6) improve access to service and training to public assistance recipients;
- (7) integrate career planning and job placement efforts among institutions;
- (8) maximize coordination and reduce duplication among providers;

(9) systematically evaluate industry training needs; and

(10) provide noncredit remediation at no cost to students.

Subd. 3. **Local collaboration projects.** By August 1, 2009, at least four local collaboration projects must be established by the commissioner of employment and economic development involving employment, training, and education programs offered by the state agencies and systems described in subdivision 1. All the agencies and systems must cooperate in the local projects. One local project each must be located in a suburban workforce services area, an urban workforce services area, a greater Minnesota regional center workforce services area, and a rural workforce services area.

Subd. 4. **Collaboration plan.** Each local project must develop a plan on how employment, training, and education services offered by the collaborating state agencies and systems can be collaboratively offered to attain the goals of subdivision 2. The plan must be developed through a stakeholder process that includes, at a minimum, representatives from:

(1) Minnesota State Colleges and Universities;

(2) local adult basic education;

(3) workforce centers;

(4) local school districts;

(5) community action agencies; and

(6) public housing agencies.

The commissioner of employment and economic development must provide a report to the legislature by January 15, 2010, that includes each of the local project plans along with recommendations regarding other agency and system programs and services that should be integrated into a local project. The report may also include recommendations concerning the enhancement and improvement of service and the process, private and public funding, waivers, and modifications necessary to better achieve the goals of subdivision 2.

Subd. 5. **Plan implementation.** Each local collaborative project must begin to implement its plan no later than July 1, 2010, and continuing through July 1, 2011. Local collaborators may modify a plan if the local collaborators determine the modification is found necessary to better achieve plan goals.

Subd. 6. **Second report to legislature.** The commissioner of employment and economic development must by March 11, 2011, submit a report to the legislature on the implementation of the plans. The report must include recommendations concerning financial, system design, and statutory changes that are reasonable and necessary to best achieve the goals of subdivision 2.

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

Delete the title and insert:

"A bill for an act relating to economic development; providing for local collaborative projects to deliver employment, training, and education services."

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1764: A bill for an act relating to economic development; creating a Minnesota business venture capital program; creating a revolving fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 969: A bill for an act relating to human services; modifying provisions related to children aging out of foster care; modifying the Runaway and Homeless Youth Act; appropriating money; amending Minnesota Statutes 2008, sections 256B.055, by adding a subdivision; 256K.45, subdivision 6; 260C.331, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 260C; repealing Laws 2007, chapter 147, article 2, section 60.

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

Page 1, delete sections 1 and 3

Page 3, delete section 4

Renumber the sections in sequence

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1797: A bill for an act relating to education; requiring the Departments of Human Services, Health, and Education to create an inventory of early childhood services; proposing coding for new law in Minnesota Statutes, chapter 119B.

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

Page 1, line 6, delete "[119B.30]"

Page 1, line 7, delete everything after "(a)" and insert "The State Advisory Council on Early Childhood Education and Care under Minnesota Statutes, section 124D.141,"

Page 1, line 8, delete everything before "shall"

Delete the title and insert:

"A bill for an act relating to education; requiring the State Advisory Council on Early Childhood

Education and Care to create an inventory of early childhood services."

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1444: A bill for an act relating to human services; eliminating medical assistance coverage for certain ineffective preventive services; amending Minnesota Statutes 2008, section 256B.0625, subdivision 14.

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

Page 1, delete lines 19 to 21 and insert:

"(d) Coverage under this section does not include the preventive services that the United States Preventive Services Task Force has graded as a "D Recommendation" with the exception of blood lead level testing for children and pregnant women."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1442: A bill for an act relating to health care; establishing an alternative basic health plan for families with children eligible for medical assistance; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Page 3, line 1, delete "only" and after "enrollee" insert "only"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1344: A bill for an act relating to human services; requiring a request for proposals process to develop community-based residential services.

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

Delete everything after the enacting clause and insert:

"Section 1. REQUIRING THE DEVELOPMENT OF COMMUNITY-BASED MENTAL HEALTH SERVICES FOR PATIENTS COMMITTED TO THE ANOKA REGIONAL TREATMENT CENTER.

The commissioner of human services shall, by October 2009, develop community-based services for patients committed to the Anoka Regional Treatment Center. The community-based services

must be provided in facilities with 16 or fewer beds, and must provide the appropriate level of care for the patients being admitted to the facilities. Currently, approximately 75 percent of the patients at the Anoka Regional Treatment Center do not need the current level of service, therefore, the new services must be adequate to serve approximately 75 percent of the patients at the Anoka Regional Treatment Center. The new services must be available by March 1, 2010. The individuals working in the community-based services facilities under this section are state employees supervised by the commissioner of human services."

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1884: A bill for an act relating to human services; modifying licensing requirements related to child care centers; amending Minnesota Statutes 2008, sections 245A.06, subdivision 8; 245A.07, subdivision 5; 245C.301.

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

Page 2, line 30, after the period, insert "An investigation memorandum posted under section 245A.06, subdivision 8, or section 245A.07, subdivision 5, that reports the disqualification of the individual who is the subject of the notice under this paragraph is no longer required to be posted after the license holder provides the notice required under this paragraph."

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1166: A bill for an act relating to human services; changing eligibility for group residential housing; amending Minnesota Statutes 2008, section 256I.04, subdivision 1.

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

Page 2, line 3, delete "and" and insert "except for the income and resource eligibility criteria, who is"

Page 2, line 4, delete "shall" and insert "must"

Page 2, line 5, delete "employment" and insert "earned income"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1599: A bill for an act relating to health; promoting preventive health care by requiring

high deductible health plans used with a health savings account to cover preventive care with no deductible as permitted by federal law; amending Minnesota Statutes 2008, section 62Q.65.

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

Page 1, line 15, delete ", provided, however, that" and insert a period

Page 1, line 19, delete "such" and insert "this"

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1552: A bill for an act relating to housing; providing for the rehabilitation of housing that is vacant and abandoned as a result of the foreclosure crisis; protecting the health, safety, and welfare of the community through appropriate police powers; providing a legal process to appoint receivers for abandoned properties and recovery of funds expended to bring the property up to code; proposing coding for new law in Minnesota Statutes, chapter 463.

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

Page 1, line 10, delete "a" and insert "as"

Page 2, line 25, before "service" insert "if" and after "at" insert "their"

Page 3, line 3, before "The" insert "(1)"

Page 3, line 5, delete "(1)" and insert "(i)"

Page 3, line 6, delete "(2)" and insert "(ii)"

Page 3, line 7, delete "(3)" and insert "(iii)"

Page 3, line 9, delete "(c)" and insert "(2)"

Page 3, line 18, delete "(1)" and insert "(i)"

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

Page 3, line 22, delete "(3)" and insert "(iii)"

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

Page 3, line 25, delete "(d)" and insert "(c)"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was re-referred

S.F. No. 1761: A bill for an act relating to insurance; requiring health plans to establish equal out-of-pocket requirements for oral chemotherapy medications and intravenously administered

chemotherapy medications; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1474: A bill for an act relating to human services; requiring that certain enrollees select a primary care clinic with clinicians who are certified as health care homes; amending Minnesota Statutes 2008, section 256B.0751, subdivision 7.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1911: A bill for an act relating to occupations and professions; providing licensure for dental professionals; amending Minnesota Statutes 2008, sections 150A.01, subdivision 8; 150A.02, subdivision 1; 150A.05, subdivisions 1, 2; 150A.06, subdivisions 2a, 2b, 2c, 2d, 4a, 5, 7, 8; 150A.08, subdivisions 1, 3, 3a, 5, 6, 8; 150A.081; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 7, 8, 9, 10, 11, 12, 14, 15, by adding subdivisions; 150A.10, subdivisions 1a, 2, 4; 150A.12; 150A.13; repealing Minnesota Statutes 2008, section 150A.09, subdivision 6.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1132: A bill for an act relating to housing; adjusting deed tax percentage; providing rental housing assistance; establishing a housing account for leverage opportunity; appropriating money; amending Minnesota Statutes 2008, sections 287.21, subdivision 1; 462A.201, by adding a subdivision; 462A.33, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1401: A bill for an act relating to human services; requiring prior authorization before certain prescription drugs are eligible for medical assistance payment; amending Minnesota Statutes 2008, section 256B.0625, subdivision 13f.

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

Delete everything after the enacting clause and insert:

"Section 1. [256.9652] E-PRESCRIBING INITIATIVE.

(a) The commissioner shall implement a demonstration project that incorporates e-prescribing applications with a clinical information database in order to increase patient safety and efficiencies and reduce medication errors, duplication of therapies, and eliminate waste.

(b) The commissioner shall identify providers who are currently using e-prescribing and who are high-volume prescribers. The commissioner shall ensure that each provider identified has the ability through e-prescribing software to receive the following:

- (1) a patient's specific medication history for the last 100 days;
- (2) the preferred drug list and formulary verification;
- (3) prescription details; and
- (4) drug interaction alerts.

(c) Beginning January 1, 2010, each provider identified by the commissioner shall use the e-prescribing applications for each prescription.

(d) The commissioner shall evaluate the project in terms of the number of prescriptions written by the providers participating in the demonstration project. The evaluation shall include a comparison between participating providers and nonparticipating providers in terms of:

- (1) number of prescriptions written per patient; and
- (2) average cost of the prescriptions written per patient.

The results of the evaluations shall be submitted to the legislature by March 15, 2011.

Sec. 2. Minnesota Statutes 2008, section 256B.0625, subdivision 13, is amended to read:

Subd. 13. **Drugs.** (a) Medical assistance covers drugs, except for fertility drugs when specifically used to enhance fertility, if prescribed by a licensed practitioner and dispensed by a licensed pharmacist, by a physician enrolled in the medical assistance program as a dispensing physician, or by a physician or a nurse practitioner employed by or under contract with a community health board as defined in section 145A.02, subdivision 5, for the purposes of communicable disease control.

(b) The dispensed quantity of a prescription drug must not exceed a 34-day supply, unless authorized by the commissioner.

(c) Medical assistance covers the following over-the-counter drugs when prescribed by a licensed practitioner or by a licensed pharmacist who meets standards established by the commissioner, in consultation with the board of pharmacy: antacids, acetaminophen, family planning products, aspirin, insulin, products for the treatment of lice, vitamins for adults with documented vitamin deficiencies, vitamins for children under the age of seven and pregnant or nursing women, and any other over-the-counter drug identified by the commissioner, in consultation with the formulary committee, as necessary, appropriate, and cost-effective for the treatment of certain specified chronic diseases, conditions, or disorders, and this determination shall not be subject to the requirements of chapter 14. A pharmacist may prescribe over-the-counter medications

as provided under this paragraph for purposes of receiving reimbursement under Medicaid. When prescribing over-the-counter drugs under this paragraph, licensed pharmacists must consult with the recipient to determine necessity, provide drug counseling, review drug therapy for potential adverse interactions, and make referrals as needed to other health care professionals.

(d) Effective January 1, 2006, medical assistance shall not cover drugs that are coverable under Medicare Part D as defined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, section 1860D-2(e), for individuals eligible for drug coverage as defined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, section 1860D-1(a)(3)(A). For these individuals, medical assistance may cover drugs from the drug classes listed in United States Code, title 42, section 1396r-8(d)(2), subject to this subdivision and subdivisions 13a to 13g, except that drugs listed in United States Code, title 42, section 1396r-8(d)(2)(E), shall not be covered.

(e) Effective January 1, 2010, prescription drug coverage shall be covered on a fee-for-service basis according to subdivisions 13 to 13h, except as specified in section 256B.69, subdivision 6, paragraph (c).

Sec. 3. Minnesota Statutes 2008, section 256B.0625, is amended by adding a subdivision to read:

Subd. 13i. **Utilization drug review for children.** (a) The commissioner shall establish a utilization review program for attention deficit/hyperactivity disorder (ADHD) and attention deficit disorder (ADD) medication and psychotropic medication prescribed to children.

(b) The program shall require prior authorization for ADHD medication prescribed to children under five years of age and a second opinion from a commissioner-approved provider.

(c) The program shall require a second opinion from a commissioner-approved provider for children five years of age and under 18 years of age for ADHD medications that exceed the following dosages:

- (1) methylphenidates 120mg/day;
- (2) dexamethylphenidates 60mg/day;
- (3) amphetamines 60mg/day; and
- (4) strattera 120mg/day.

(d) The commissioner shall require prior authorization and a second opinion from a commissioner-approved provider when a child under 18 years of age is prescribed more than one type of medication identified in paragraph (c) at one time.

(e) The commissioner shall require a second opinion from a commissioner-approved provider if any of the following conditions apply:

- (1) the absence of a DSM-IV diagnosis in the child's claim record;
- (2) five or more psychotropic medications prescribed concomitantly after 60 days;
- (3) two or more concomitant antipsychotic medications after 60 days;
- (4) three or more concomitant mood stabilizer medications for a mental health diagnosis after

60 days;

(5) the prescribed psychotropic medication is not consistent with appropriate care for the child's diagnosed mental disorder or with documented target symptoms associated with a therapeutic response to the medication prescribed; and

(6) psychotropic medications prescribed for children under five years of age.

(f) The commissioner may establish threshold amounts for identified psychotropic medications that, if exceeded, may require a second opinion from a commissioner-approved provider.

Sec. 4. Minnesota Statutes 2008, section 256B.69, subdivision 6, is amended to read:

Subd. 6. **Service delivery.** (a) Except as provided in paragraph (c), each demonstration provider shall be responsible for the health care coordination for eligible individuals. Demonstration providers:

(1) shall authorize and arrange for the provision of all needed health services including but not limited to the full range of services listed in sections 256B.02, subdivision 8, and 256B.0625 in order to ensure appropriate health care is delivered to enrollees. Notwithstanding section 256B.0621, demonstration providers that provide nursing home and community-based services under this section shall provide relocation service coordination to enrolled persons age 65 and over;

(2) shall accept the prospective, per capita payment from the commissioner in return for the provision of comprehensive and coordinated health care services for eligible individuals enrolled in the program;

(3) may contract with other health care and social service practitioners to provide services to enrollees; and

(4) shall institute recipient grievance procedures according to the method established by the project, utilizing applicable requirements of chapter 62D. Disputes not resolved through this process shall be appealable to the commissioner as provided in subdivision 11.

(b) Demonstration providers must comply with the standards for claims settlement under section 72A.201, subdivisions 4, 5, 7, and 8, when contracting with other health care and social service practitioners to provide services to enrollees. A demonstration provider must pay a clean claim, as defined in Code of Federal Regulations, title 42, section 447.45(b), within 30 business days of the date of acceptance of the claim.

(c) Effective January 1, 2010, a demonstration provider shall not authorize or arrange prescription drug coverage described under section 256B.0625; 256D.03, subdivision 4; or 256L.03 as part of the comprehensive health care services that are required to be provided by the demonstration provider under this section. Prescription drug coverage shall be provided on a fee-for-service basis according to section 256B.0625. This paragraph does not apply to integrated Medicare and Medicaid programs operating under subdivisions 23 and 28. This paragraph does not apply to physician-administered drugs. A demonstration provider shall continue to provide the commissioner with clinic information."

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance.

Amendments adopted. Report adopted.

Senator Stumpf from the Committee on Education, to which was re-referred

S.F. No. 1189: A bill for an act relating to occupations and professions; requiring certain training for school district boiler operators; amending Minnesota Statutes 2008, section 326B.974.

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

Delete everything after the enacting clause and insert:

"Section 1. [123B.148] BOILER OPERATOR; TRAINING.

(a) A public school district shall allow boiler training for a licensee under section 326B.974 by a licensed first class or chief engineer to take place during the licensee's normal working hours.

(b) The training under paragraph (a) shall be eight hours per year. Two hours of the required training shall occur in the boiler room and must include demonstration of tasks associated with operating boilers. The tasks associated with operating boilers acceptable for the training must be from the list of approved tasks supplied by the chief boiler inspector. The licensed engineer providing the training shall receive training credit for time spent conducting training under this section."

Amend the title numbers accordingly

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

Senator Stumpf from the Committee on Education, to which was re-referred

S.F. No. 549: A bill for an act relating to environment; adding greenhouse gas reduction goals and strategies to various state and metropolitan programs and plans; establishing goals for per capita reduction in vehicle miles traveled to reduce greenhouse gases; providing certain new reporting periods; appropriating money; amending Minnesota Statutes 2008, sections 103B.3355; 123B.70, subdivision 1; 123B.71, subdivision 9; 473.121, by adding a subdivision; 473.145; 473.146, by adding a subdivision; 473.25; 473.856; 473.858, subdivisions 1, 2; 473.864, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116C; 174.

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

Page 3, lines 22 to 30, delete the new language

Page 3, before line 31, insert:

"(a) If a school board proposes a new school, the local school board retains the authority to determine the minimum acreage needed to accommodate the school and related facilities. The commissioner may evaluate the proposals but may not issue a negative or unfavorable review and comment under this section for a school facility based solely on acreage of the proposed school site.

(b) If a school board proposes to renovate an existing school, the local school board retains the authority to choose whether to renovate an existing school or to build a new school, regardless of the acreage of the current school site or the cost of the renovation relative to the cost of building a new school. The commissioner's evaluation of whether to replace a facility must not be based solely upon renovation costs approaching 60 percent of the replacement costs."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Stumpf from the Committee on Education, to which was referred

S.F. No. 567: A bill for an act relating to education; establishing cardiopulmonary resuscitation and automated external defibrillator instruction guidelines; amending Minnesota Statutes 2008, section 120B.021, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. [120B.236] CARDIOPULMONARY RESUSCITATION AND AUTOMATIC EXTERNAL DEFIBRILLATOR INSTRUCTION.

School districts are encouraged to include cardiopulmonary resuscitation and automatic external defibrillator instruction as part of their curriculum. Schools offering cardiopulmonary resuscitation or automatic external defibrillator instruction must use cardiopulmonary resuscitation or automatic external defibrillator training that has been developed:

(1) by the American Heart Association or the American Red Cross and incorporate psychomotor skills to support the instruction; or

(2) using nationally recognized, evidence-based guidelines for cardiopulmonary resuscitation and incorporates psychomotor skills to support the instruction."

Delete the title and insert:

"A bill for an act relating to education; requiring school districts that offer cardiopulmonary resuscitation or automatic external defibrillator instruction to use instruction developed by the American Heart Association, the American Red Cross, or uses nationally recognized, evidence-based guidelines; proposing coding for new law in Minnesota Statutes, chapter 120B."

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1455: A bill for an act relating to traffic regulation; prohibiting the use of wireless communications devices in Metropolitan Council public transit vehicles; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 165.14, subdivision 3, is amended to read:

Subd. 3. **Program requirements.** (a) The commissioner shall develop an inventory of bridges included in the program. The inventory must include all bridges on the trunk highway system in Minnesota that are classified as fracture-critical or structurally deficient, or constitute a priority project, as identified by the commissioner. In determining whether a bridge is a priority project, the

commissioner may consider national bridge inventory (NBI) condition codes, bridge classification as functionally obsolete, the year in which the bridge was built, the history of bridge maintenance and inspection report findings, the average daily traffic count, engineering judgments with respect to the safety or condition of the bridge, safety concerns for pedestrians, bicyclists, motorists, or other roadway users, whether existing pedestrian facilities meet the accessibility requirements of the Americans with Disabilities Act, and any other factors specifically identified by the commissioner.

(b) For each bridge included in the inventory, the commissioner must provide the following information: a summary of the bridge, including but not limited to, county and department district, route number, feature crossed, the year in which the bridge was built, average daily traffic count, load rating, bridge length and deck area, and main span type; the condition ratings for the deck, superstructure, and substructure; identification of whether the bridge is structurally deficient, functionally obsolete, or fracture-critical; the sufficiency rating; pedestrian, bicyclist, and motorist crash reports for the previous ten years; current accommodations for pedestrians, bicyclists, and transit users; identification of whether existing pedestrian facilities are compliant with the accessibility requirements of Title II of the Americans with Disabilities Act; a brief description of the work planned for the bridge, including work type needed; an estimate of total costs related to the bridge, which may include general and planning cost estimates; and, the year or range of years in which the work is planned.

Sec. 2. Minnesota Statutes 2008, section 165.14, subdivision 4, is amended to read:

Subd. 4. **Prioritization of bridge projects.** (a) The commissioner shall classify all bridges in the program into tier 1, 2, or 3 bridges, where tier 1 is the highest tier. Unless the commissioner identifies a reason for proceeding otherwise, before commencing bridge projects in a lower tier, all bridge projects within a higher tier must to the extent feasible be selected and funded in the approved state transportation improvement program, at any stage in the project development process, solicited for bids, in contract negotiation, under construction, or completed.

(b) The classification of each tier is as follows:

(1) tier 1 consists of any bridge in the program that (i) has an average daily traffic count that is above 1,000 and has a sufficiency rating that is at or below 50, or (ii) is identified by the commissioner as a priority project;

(2) tier 2 consists of any bridge that is not a tier 1 bridge, and (i) is classified as fracture-critical, or (ii) has a sufficiency rating that is at or below 80; and

(3) tier 3 consists of any other bridge in the program that is not a tier 1 or tier 2 bridge.

(c) By June 30, 2018, all tier 1 and tier 2 bridges originally included in the program must be under contract for repair or replacement with a new bridge that contains a load-path-redundant design, except that a specific bridge may remain in continued service if the reasons are documented in the report required under subdivision 5.

(d) All bridge projects funded under this section in fiscal year 2010 or later must include bicycle and pedestrian accommodations if both sides of the bridge are located in a city or the bridge links a pedestrian way, shared-use path, trail, or scenic bikeway.

Bicycle and pedestrian accommodations would not be required if:

(1) a comprehensive assessment demonstrates that there is an absence of need for bicycle and pedestrian accommodations for the life of the bridge; or

(2) there is a reasonable alternative bicycle and pedestrian crossing within one-quarter mile of the bridge project.

All bicycle and pedestrian accommodations should provide for the connection to any existing bicycle and pedestrian infrastructure in close proximity to the bridge. All pedestrian facilities must meet or exceed federal accessibility requirements as outlined in Title II of the Americans with Disabilities Act, codified in United States Code, title 42, chapter 126, subchapter II, and Section 504 of the Rehabilitation Act of 1973, codified in United States Code, title 29, section 794.

(e) The commissioner shall establish criteria for determining the priority of bridge projects within each tier, and must include safety considerations as a criterion.

Sec. 3. Minnesota Statutes 2008, section 165.14, subdivision 5, is amended to read:

Subd. 5. **Statewide transportation planning report.** In conjunction with each update to the Minnesota statewide transportation plan, or at least every six years, the commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation finance. The report must include:

(1) an explanation of the criteria and decision-making processes used to prioritize bridge projects;

(2) a historical and projected analysis of the extent to which all trunk highway bridges meet bridge performance targets, including safety targets for pedestrian, bicyclist, and motorist safety and compliance with the accessibility requirements of Title II of the Americans with Disabilities Act;

(3) a summary of bridge projects (i) completed in the previous six years or since the last update to the Minnesota statewide transportation plan, and (ii) currently in progress under the program;

(4) a summary of bridge projects scheduled in the next four fiscal years and included in the state transportation improvement program;

(5) a projection of annual needs over the next 20 years;

(6) a calculation of funding necessary to meet the completion date under subdivision 4, paragraph (c), compared to the total amount of bridge-related funding available; and

(7) for any tier 1 fracture-critical bridge that is repaired but not replaced, an explanation of the reasons for repair instead of replacement.

Sec. 4. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau that issues motor vehicle licenses as provided in section 373.32.

(b) The commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau that issues motor vehicle licenses as provided in section 373.32. The individual appointed by the commissioner as a deputy registrar for any statutory or home rule charter city must be a resident of the county in which the city is situated.

(c) The commissioner may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar.

(d) Despite any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any statutory or home rule charter city, may continue to serve as deputy registrar and may be discontinued for cause only by the commissioner. The county auditor who appointed the deputy registrars is responsible for the acts of deputy registrars appointed by the auditor.

(e) Each deputy, before entering upon the discharge of duties, shall take and subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

(f) If a deputy registrar appointed under this subdivision is not an officer or employee of a county or statutory or home rule charter city, the deputy shall in addition give bond to the state in the sum of \$10,000, or a larger sum as may be required by the commissioner, conditioned upon the faithful discharge of duties as deputy registrar.

(g) ~~Until January 1, 2012,~~ A corporation governed by chapter 302A may be appointed a deputy registrar. Upon application by an individual serving as a deputy registrar and the giving of the requisite bond as provided in this subdivision, personally assured by the individual or another individual approved by the commissioner, a corporation named in an application then becomes the duly appointed and qualified successor to the deputy registrar. ~~The appointment of any corporation as a deputy registrar expires January 1, 2012. The commissioner shall appoint an individual as successor to the corporation as a deputy registrar. The commissioner shall appoint as the successor agent to a corporation whose appointment expires under this paragraph an officer of the corporation if the officer applies for appointment before July 1, 2012.~~

(h) Each deputy registrar appointed under this subdivision shall keep and maintain office locations approved by the commissioner for the registration of vehicles and the collection of taxes and fees on vehicles.

(i) The deputy registrar shall keep records and make reports to the commissioner as the commissioner requires. The records must be maintained at the offices of the deputy registrar. The records and offices of the deputy registrar must at all times be open to the inspection of the commissioner or the commissioner's agents. The deputy registrar shall report to the commissioner by the next working day following receipt all registrations made and taxes and fees collected by the deputy registrar.

(j) The filing fee imposed under subdivision 7 must be deposited in the treasury of the place for which appointed or, if not a public official, a deputy shall retain the filing fee, but the registration tax and any additional fees for delayed registration the deputy registrar has collected the deputy registrar shall deposit by the next working day following receipt in an approved state depository to

the credit of the state through the commissioner of finance. The place for which the deputy registrar is appointed through its governing body must provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if the deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public.

Sec. 5. Minnesota Statutes 2008, section 168B.06, subdivision 1, is amended to read:

Subdivision 1. **Written notice of impound.** (a) When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give written notice of the taking within five days to the registered vehicle owner and any lienholders.

(b) The notice must:

- (1) set forth the date and place of the taking;
- (2) provide the year, make, model, and serial number of the impounded motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held;
- (3) inform the owner and any lienholders of their right to reclaim the vehicle under section 168B.07;

(4) state that failure of the owner or lienholders to:

(i) exercise their right to reclaim the vehicle within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle pursuant to section 168B.08; or

(ii) exercise their right to reclaim the contents of the vehicle within the appropriate time allowed and under the conditions set forth in section 168B.07, subdivision 3, constitutes a waiver by them of all right, title, and interest in the contents and consent to sell or dispose of the contents under section 168B.08; and

(5) state that a vehicle owner who provides to the impound lot operator documentation from a government or nonprofit agency or legal aid office that the owner is homeless, receives relief based on need, or is eligible for legal aid services, ~~or has a household income at or below 50 percent of state median income~~ has the unencumbered right to retrieve any and all contents without charge.

Sec. 6. Minnesota Statutes 2008, section 168B.07, subdivision 3, is amended to read:

Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

(1) "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players; and

(2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary Work Program, medical assistance, general assistance, general assistance medical care, emergency general assistance, Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy assistance, emergency assistance, food stamps, earned income tax credit, or Minnesota working family tax credit.

(b) A unit of government or impound lot operator shall establish reasonable procedures for retrieval of vehicle contents, and may establish reasonable procedures to protect the safety and security of the impound lot and its personnel.

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner who provides documentation from a government or nonprofit agency or legal aid office that the registered owner is homeless, receives relief based on need, or is eligible for legal aid services, ~~or has a household income at or below 50 percent of state median income~~ has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle.

Sec. 7. Minnesota Statutes 2008, section 169.041, subdivision 5, is amended to read:

Subd. 5. **Towing prohibited.** ~~Unless the vehicle is described in subdivision 4,~~ A towing authority may not tow a motor vehicle because:

- (1) the vehicle has expired registration tabs that have been expired for less than 90 days;
- (2) the vehicle is at a parking meter on which the time has expired and the vehicle has fewer than five unpaid parking tickets unless:
 - (i) the vehicle is parked in violation of snow emergency regulations;
 - (ii) the vehicle is parked in a rush-hour restricted parking area;
 - (iii) the vehicle is blocking a driveway, alley, or fire hydrant;
 - (iv) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
 - (v) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
 - (vi) the vehicle is parked in a disability transfer zone or disability parking space without a disability parking certificate or disability license plates;
 - (vii) the vehicle is parked in an area that has been posted for temporary restricted parking (A) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (B) at least 24 hours in advance in another political subdivision;
 - (viii) the vehicle is parked within the right-of-way of a controlled-access highway or within the traveled portion of a public street when travel is allowed there;
 - (ix) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
 - (x) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the Metropolitan Airports Commission;
 - (xi) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
 - (xii) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;

(xiii) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;

(xiv) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;

(xv) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;

(xvi) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or

(xvii) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section 168B.011, and subject to immediate removal under chapter 168B.

Sec. 8. Minnesota Statutes 2008, section 171.01, is amended by adding a subdivision to read:

Subd. 37a. **Enhanced driver's license.** "Enhanced driver's license" means a license, instruction permit, or provisional license, to operate a motor vehicle issued or issuable under the laws of this state by the commissioner of public safety that denotes citizenship and identity and contains technology and security features approved by the secretary of the United States Department of Homeland Security. An enhanced driver's license may be used in the same manner as a driver's license, instruction permit, or provisional license, and is approved by the secretary of the United States Department of Homeland Security for purposes of entering the United States. All provisions in this chapter relating to drivers' licenses, instruction permits, and provisional licenses, including cancellation, suspension, revocation, reinstatement, examination, restriction, expiration, renewal, and unlawful acts and violations, apply to an enhanced driver's license.

Sec. 9. Minnesota Statutes 2008, section 171.01, is amended by adding a subdivision to read:

Subd. 37b. **Enhanced identification card.** "Enhanced identification card" means an identification card issued or issuable under the laws of this state by the commissioner of public safety that denotes citizenship and identity and contains technology and security features approved by the secretary of the United States Department of Homeland Security. An enhanced identification card may be used in the same manner as an identification card and is approved by the secretary of the United States Department of Homeland Security for purposes of entering the United States.

Sec. 10. Minnesota Statutes 2008, section 171.04, is amended by adding a subdivision to read:

Subd. 3. **Persons not eligible for enhanced driver's license.** The department shall not issue an enhanced driver's license to any person who is:

(1) under 16 years of age;

(2) not a resident of this state;

(3) not a citizen of the United States of America; or

(4) described in subdivision 1, clauses (4) to (12), or (14).

Sec. 11. Minnesota Statutes 2008, section 171.06, subdivision 1, is amended to read:

Subdivision 1. **Forms of application.** Every application for a Minnesota identification card, for

an enhanced identification card, for an instruction permit, for a provisional license, or for a driver's license, or for an enhanced driver's license must be made in a format approved by the department, and every application must be accompanied by the proper fee. All first-time applications and change-of-status applications must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public. All applications requiring evidence of legal presence in the United States or United States citizenship must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public.

Sec. 12. Minnesota Statutes 2008, section 171.06, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver's License	D-\$22.25	C-\$26.25	B-\$33.25	A-\$41.25
Classified Under-21 D.L.	D-\$22.25	C-\$26.25	B-\$33.25	A-\$21.25
<u>Enhanced Driver's License</u>	<u>D-\$37.25</u>	<u>C-\$41.75</u>	<u>B-\$48.25</u>	<u>A-\$56.25</u>
Instruction Permit				\$10.25
<u>Enhanced Instruction Permit</u>				<u>\$25.25</u>
Provisional License				\$13.25
<u>Enhanced Provisional License</u>				<u>\$28.25</u>
Duplicate License or duplicate identification card				\$11.75
<u>Enhanced Duplicate License or enhanced duplicate identification card</u>				<u>\$26.75</u>
Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a				\$16.25
<u>Enhanced Minnesota identification card</u>				<u>\$31.25</u>

In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of \$1.75 until June 30, 2012. Surcharges collected under this paragraph must be credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a \$3.50 credit toward the

fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) In addition to the driver's license fee required under paragraph (a), the commissioner shall collect an additional \$4 processing fee from each new applicant or individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department shall not charge these applicants any other fee to receive or renew the endorsement.

Sec. 13. Minnesota Statutes 2008, section 171.06, subdivision 3, is amended to read:

Subd. 3. **Contents of application; other information.** (a) An application must:

(1) state the full name, date of birth, sex, and either (i) the residence address of the applicant, or (ii) designated address under section 5B.05;

(2) as may be required by the commissioner, contain a description of the applicant and any other facts pertaining to the applicant, the applicant's driving privileges, and the applicant's ability to operate a motor vehicle with safety;

(3) state:

(i) the applicant's Social Security number; or

(ii) if the applicant does not have a Social Security number and is applying for a Minnesota identification card, instruction permit, or class D provisional or driver's license, that the applicant certifies that the applicant does not have a Social Security number;

(4) in the case of an application for an enhanced driver's license or enhanced identification card, present:

(i) proof satisfactory to the commissioner of the applicant's full legal name, United States citizenship, identity, date of birth, Social Security number, and residence address; and

(ii) a photographic identity document;

(5) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b); and

~~(5)~~ (6) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7.

(b) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification

card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

(c) The application must be accompanied also by information containing relevant facts relating to:

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 14. Minnesota Statutes 2008, section 171.06, subdivision 6, is amended to read:

Subd. 6. **Compliance with selective service system registration requirements.** (a) By applying for an original, duplicate, or renewal instruction permit, provisional driver's license, driver's license, enhanced driver's license, commercial driver's license, ~~or~~ state identification card, or enhanced identification card, an applicant under the age of 26, who is a United States citizen or resident, consents to registration in compliance with the requirements of the Military Selective Service Act, United States Code, title 50, appendix, section 453. The application form must state that submission of the application constitutes consent to registration with the selective service system, if required by federal law.

(b) The commissioner shall forward to the selective service system in an electronic format the necessary personal information required for registration of an applicant described in paragraph (a). If the applicant is under the age of 18, and the license or card to be issued will expire after the applicant's 18th birthday, then the commissioner shall forward the necessary information to the selective service system when the applicant reaches the age of 18.

Sec. 15. Minnesota Statutes 2008, section 171.07, subdivision 3, is amended to read:

Subd. 3. **Identification card; fee.** (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to an individual who has a driver's license, other than a limited license. The department may not issue an enhanced identification card to an individual who is under 16 years of age, not a resident of this state, or not a citizen of the United States of America. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name and date of birth; either (1) the licensee's residence address, or (2) the designated address under section 5B.05; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the Minnesota identification card, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(d) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(e) The fee for a Minnesota identification card is 50 cents when issued to a person who is developmentally disabled, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

Sec. 16. Minnesota Statutes 2008, section 171.07, is amended by adding a subdivision to read:

Subd. 9a. **Security for enhanced driver's license and identification card.** An enhanced driver's license or enhanced identification card must include reasonable security measures to prevent counterfeiting and to protect against unauthorized disclosure of personal information regarding residents of this state that is contained in the enhanced driver's license or enhanced identification card. The enhanced driver's license must include the best available anticounterfeit laminate technology. The enhanced driver's license or enhanced identification card may include radio frequency identification technology that is limited to a randomly assigned number, which must be encrypted if agreed to by the United States Department of Homeland Security and does not include biometric data or any information other than the citizenship status of the license holder or cardholder. The commissioner shall ensure that the radio frequency identification technology is secure from unauthorized data access. An applicant must sign an acknowledgment of understanding of the radio frequency identification technology and its use for the sole purpose of verifying United States citizenship before being issued an enhanced driver's license or an enhanced identification card.

Sec. 17. Minnesota Statutes 2008, section 171.07, is amended by adding a subdivision to read:

Subd. 15. **Enhanced driver's license and identification card.** For purposes of this section, "license" includes "enhanced driver's license," and "identification card" includes "enhanced identification card."

Sec. 18. Minnesota Statutes 2008, section 171.071, is amended by adding a subdivision to read:

Subd. 3. **Exception.** Subdivisions 1 and 2 do not apply to the commissioner's requirements pertaining to a photograph or electronically produced image on an enhanced driver's license or an enhanced identification card.

Sec. 19. Minnesota Statutes 2008, section 171.18, subdivision 1, is amended to read:

Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the

licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

(3) is an habitually reckless or negligent driver of a motor vehicle;

(4) is an habitual violator of the traffic laws;

(5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

(6) has permitted an unlawful or fraudulent use of the license;

(7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;

(8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within five years of a prior conviction under that section;

(9) has committed a violation of section 171.22, except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;

(10) has failed to appear in court as provided in section 169.92, subdivision 4;

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges;

(12) has been found to have committed an offense under section 169A.33; or

(13) has paid or attempted to pay a fee required under this chapter for a license or permit by means of a dishonored check issued to the state or a driver's license agent, which must be continued until the registrar determines or is informed by the agent that the dishonored check has been paid in full.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

(b) Notwithstanding paragraph (a), section 171.16, subdivision 2, or any other law, the commissioner may not suspend the driver's license of an individual under paragraph (a) who was convicted of a violation of section 171.24, subdivision 1, whose license was under suspension at the time solely because of the individual's failure to appear in court or failure to pay a fine 1a.

Sec. 20. Minnesota Statutes 2008, section 171.24, is amended by adding a subdivision to read:

Subd. 1a. **Driving after suspension for failure to appear or pay fines; misdemeanor.** A person is guilty of a misdemeanor if:

(1) the person's driver's license or driving privilege has been suspended for no reason other than

unpaid fines or failure to appear in court;

(2) the person has been given notice of or reasonably should know of the suspension; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is suspended.

Sec. 21. Minnesota Statutes 2008, section 171.306, subdivision 1, is amended to read:

Subdivision 1. **Pilot project established; reports.** The commissioner shall conduct a statewide two-year ignition interlock device pilot project as provided in this section. ~~The commissioner shall select one metropolitan county and one rural county to participate in the pilot project.~~ The pilot project must begin on July 1, ~~2007~~ 2009, and continue until June 30, ~~2009~~ 2011. The commissioner shall submit ~~two a preliminary reports~~ report by ~~February 1, 2008, and by December 1, 2008~~ September 30, 2010, and a final report by ~~September 1, 2009~~ September 30, 2011, to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy and funding. The reports must evaluate the successes and failures of the pilot project, provide information on participation rates, and make recommendations on continuing the project.

Sec. 22. Minnesota Statutes 2008, section 171.306, subdivision 3, is amended to read:

Subd. 3. **Pilot project components.** (a) Under the pilot project, the commissioner shall issue a driver's license to an individual whose driver's license has been revoked or canceled under: (1) chapter 169A for a repeat an impaired driving incident; (2) section 169A.33 for underage drinking and driving; or (3) section 609.21 for criminal vehicular homicide or operation, if the person qualifies under this section and agrees to all of the conditions of the project.

(b) The commissioner must denote the person's driver's license record to indicate the person's participation in the program. The license must authorize the person to drive only vehicles having functioning ignition interlock devices conforming with the requirements of subdivision 2.

(c) Notwithstanding any statute or rule to the contrary, the commissioner has authority to and shall determine the appropriate period for which a person participating in the ignition interlock pilot program shall be subject to this program, and when the person is eligible to be issued:

(1) a limited driver's license subject to the ignition interlock restriction;

(2) full driving privileges subject to the ignition interlock restriction; and

(3) a driver's license without an ignition interlock restriction.

(d) A person participating in this pilot project shall agree to participate in any treatment recommended by a chemical use assessment.

(e) The commissioner shall determine guidelines for participation in the project. A person participating in the project shall sign a written agreement accepting these guidelines and agreeing to comply with them.

(f) It is a misdemeanor for a person who is licensed under this section for driving a vehicle equipped with an ignition interlock device to drive, operate, or be in physical control of a motor vehicle other than a vehicle properly equipped with an ignition interlock device.

(g) No driver's license, criminal, or probation violation sanction relating to positive alcohol tests may be assessed upon a participant, unless the device in use provides a method for positive identification of the individual providing the breath sample.

Sec. 23. Minnesota Statutes 2008, section 174.03, subdivision 1a, is amended to read:

Subd. 1a. **Revision of state statewide transportation plan.** (a) The commissioner shall revise the state statewide transportation plan by January 1, 1996, January 1, 2000 2010, and, if the requirements of clauses (1) and (2) have been met in the previous revision, by January 1 of every third even-numbered year thereafter. Before final adoption of a revised plan, the commissioner shall hold a hearing to receive public comment on the preliminary draft of the revised plan. The revised state statewide transportation plan must:

- (1) incorporate the goals of the state transportation system in section 174.01; and
- (2) establish objectives, policies, and strategies for achieving those goals.

(b) The commissioner shall include in the next revision of the statewide transportation plan a study on the feasibility of establishing commuter transit service in the Little Crow transit way, along or near marked Trunk Highway 12 between Willmar and downtown Minneapolis.

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

Sec. 24. [174.632] COMMISSIONER'S DUTIES.

The commissioner is responsible for all aspects of planning, designing, developing, constructing, equipping, operating, and maintaining passenger rail, including system planning, alternatives analysis, environmental studies, preliminary engineering, final design, construction, negotiating with railroads, and developing financial and operating plans. The commissioner may enter into a memorandum of understanding or agreement with a public or private entity, including a regional railroad authority, a joint powers board, and a railroad, to carry out these activities.

Sec. 25. [174.634] PASSENGER RAIL FUNDING.

The commissioner may apply for funding from federal, state, regional, local, and private sources to carry out the commissioner's duties in section 174.632.

Sec. 26. [174.636] EXERCISE OF POWER; PASSENGER RAIL.

(a) The commissioner has all powers necessary to carry out the duties specified in section 174.632. In the exercise of those powers, the commissioner may acquire by purchase, gift, or by eminent domain proceedings as provided by law, all land and property necessary to preserve future passenger rail corridors or to construct, maintain, and improve passenger rail corridors, to let all necessary contracts as provided by law, and to make agreements with and cooperate with any governmental authority or private entity to carry out statutory duties related to passenger rail.

(b) The commissioner shall consult with metropolitan planning organizations and regional rail authorities in areas where passenger rail corridors are under consideration to ensure that passenger rail services are integrated with existing rail and transit services and other transportation facilities to provide as nearly as possible connected, efficient, and integrated services.

Sec. 27. [174.638] DESIGN-BUILD CONTRACTING.

The commissioner may utilize the design-build method of contracting, under sections 161.3410 to 161.3428, in connection with the planning, design, development, and construction of a high-speed passenger rail line connecting Chicago, La Crescent, Winona, Red Wing, and the Union Depot Concourse Multimodal Transit Hub, located in downtown St. Paul in the area south of Kellogg Boulevard and east of Jackson Street and the potential future connection to Minneapolis.

Sec. 28. [174.639] FUNDING.

Section 174.88 does not apply to the commissioner's performance of duties and exercise of powers under sections 174.632 to 174.638.

Sec. 29. Minnesota Statutes 2008, section 219.01, is amended to read:

219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.

(a) The track safety standards of the United States Department of Transportation and Federal Railroad Administration apply to railroad trackage and are the standards for the determination of unsafe trackage within the state.

(b) The commissioner of transportation shall apply to the Federal Railroad Administration under Public Law 110-432, the Railroad Safety Enhancement Act of 2008 (the act), for (1) railroad safety technology grant funding available under section 105 of the act and (2) development and installation of rail safety technology, including provision for switch position indicator signals in nonsignalized main track territory, under section 406 of the act. The commissioner shall respond and make application to the Federal Railroad Administration notice of funds availability under the Rail Safety Assurance Act in a timely manner and before the date of the program deadline to assure full consideration of the application. The commissioner shall (i) prioritize grant requests for the installation of switch indicator signals on all segments of nonsignalized track where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in each year after 2009 until all nonsignalized track territory in the state has switch indicator signals installed and in operation.

(c) Prior to applying for funds under paragraph (b), the commissioner shall solicit grant requests from all eligible railroads. The commissioner shall submit written notice to the chairs of the legislative committees with jurisdiction over transportation policy and finance of a declination by a class one or class two railroad of federal grant program funding for switch point indicator monitor systems.

(d) Participating railroads shall provide the 20 percent nonfederal match. Railroads shall provide all technical documentation requested by the commissioner and required by the Federal Railroad Administration for the applications under paragraph (b). Railroads are responsible for developing, acquiring, and installing all rail safety technology obtained under this section in accordance with requirements established by the Federal Railroad Administration.

Sec. 30. STUDY OF MANDATORY 24-HOUR VEHICLE LIGHTING.

(a) The commissioner of public safety, in cooperation with the commissioner of transportation, shall study the mandatory 24-hour use of vehicle lighting by vehicles on public highways. The study must examine the experience of jurisdictions in this country, Canada, and the European Union, that require 24-hour display of vehicle lighting, including but not limited to:

(1) environmental consequences;

- (2) crash prevention;
- (3) motorcycle, bicycle, and pedestrian safety;
- (4) cost to drivers; and
- (5) application to motorcycles.

(b) By January 15, 2011, the commissioners of transportation and public safety shall report their findings and recommendations to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy. The report must be made electronically and available in print only upon request.

(c) The commissioners of public safety and transportation shall study and report under this section within current appropriations.

Sec. 31. PASSENGER RAIL REPORT.

By February 1, 2010, the commissioner of transportation shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance concerning the status of passenger rail in this state. The report must be made electronically and made available in print only upon request. The report must include a summary of the current status of passenger rail projects and recommend:

- (1) a public participation process for intercity passenger rail planning;
- (2) appropriate participation and levels of review by local units of government;
- (3) future sources of funding for capital costs and operations;
- (4) definitions to distinguish passenger rail from commuter rail;
- (5) legislative changes to facilitate and improve the passenger rail planning processes and operation;
- (6) state and local operating subsidy mechanisms designed to create local tax equity between communities served by passenger rail and communities served by commuter rail; and
- (7) recommend actions to provide service with geographic balance across the state.

Sec. 32. ECONOMIC RECOVERY FUNDS APPLICATION.

The commissioner of transportation shall work in cooperation with the state of Wisconsin to prepare and submit timely application under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for grant funding relating to the planning, design, development, and construction of a high-speed passenger rail line connecting Chicago, La Crescent, Winona, Red Wing, and the Union Depot Concourse Multimodal Transit Hub, located in downtown St. Paul in the area south of Kellogg Boulevard and east of Jackson Street and the potential future connection to Minneapolis.

Sec. 33. AGREEMENT FOR ENHANCED LICENSE AND IDENTIFICATION CARD.

The commissioner of public safety shall enter into an agreement with the secretary of the United States Department of Homeland Security to develop an enhanced Minnesota driver's license and an enhanced Minnesota identification card to be designated by the secretary as acceptable documents

to denote identity and citizenship for purposes of entering the United States at land and sea ports of entry upon implementation of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (United States Code, title 8, section 1185 Note).

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

Sec. 34. **RULEMAKING.**

The commissioner of public safety shall amend Minnesota Rules, parts 7410.0100, 7410.0400, and 7410.0410, so that an applicant for an enhanced driver's license or enhanced identification card must prove United States citizenship and otherwise comply with applicable requirements of Minnesota Statutes, section 171.06, subdivision 3. The amendments must be adopted pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Sec. 35. **REPEALER.**

Minnesota Statutes 2008, section 169.041, subdivisions 3 and 4, are repealed.

Sec. 36. **EFFECTIVE DATE.**

Sections 8 to 18 are effective June 1, 2009, for every enhanced driver's license and enhanced identification card that is issued on or after January 1, 2010."

Delete the title and insert:

"A bill for an act relating to transportation; including pedestrian, bicycle components in bridge improvement program; removing sunset of corporate deputy registrars; amending eligibility for impounded vehicle contents retrieval; removing four-hour towing waiting period; providing for enhanced driver's license; modifying driving after suspension provisions; expanding DWI ignition interlock device pilot program; requiring feasibility study of transit service in Little Crow transit way; identifying commissioner of transportation duties for passenger rail; requiring commissioner to apply for railroad safety technology grants; directing commissioner of transportation to study mandatory 24-hour vehicle lighting; requiring report; authorizing rulemaking; amending Minnesota Statutes 2008, sections 165.14, subdivisions 3, 4, 5; 168.33, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 171.01, by adding subdivisions; 171.04, by adding a subdivision; 171.06, subdivisions 1, 2, 3, 6; 171.07, subdivision 3, by adding subdivisions; 171.071, by adding a subdivision; 171.18, subdivision 1; 171.24, by adding a subdivision; 171.306, subdivisions 1, 3; 174.03, subdivision 1a; 219.01; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 2008, section 169.041, subdivisions 3, 4."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 1564: A bill for an act relating to natural resources; establishing parks and trails legacy grant program; providing appointments; amending Minnesota Statutes 2008, section 85.53.

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

Page 2, line 10, delete "convene" and insert "consult with"

Page 2, line 11, before the period, insert "under this paragraph"

Page 2, line 16, delete everything after "representatives"

Page 2, line 17, delete everything before the comma

Page 2, line 18, delete "Capital Investment Committee"

Page 2, delete line 21 and insert "The public task force members serve two-year terms without compensation except that expenses may be reimbursed as provided in section 15.059. Legislative members serve at the pleasure of their appointing authorities. The task force shall elect a chair from its membership. The commissioner shall provide the task force with staff support and meeting space. Notwithstanding section 15.059, the task force expires June 30, 2013."

Page 2, after line 27, insert:

"Sec. 2. ESTABLISHMENT OF PARKS AND TRAILS LEGACY GRANT PROGRAM TASK FORCE.

The appointing authorities under Minnesota Statutes, section 85.53, subdivision 2, paragraph (d), shall complete their appointments no later than August 1, 2009. The commissioner of natural resources shall convene the first meeting of the task force no later than September 1, 2009. The task force shall select its chair from among the public members at the first meeting."

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "establishing the parks and trails advisory task force;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 1410: A bill for an act relating to agriculture; changing provisions of the Minnesota Noxious Weed Law; establishing a fund; providing for grants; creating an advisory committee; amending Minnesota Statutes 2008, sections 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78, subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81, subdivisions 1, 3; 18.82, subdivisions 1, 3; 18.83; 18.84, subdivisions 1, 2, 3; 18.86; 18.87; 18.88; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 2008, section 18.81, subdivision 3.

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

Page 5, delete section 14 and insert:

"Sec. 14. Minnesota Statutes 2008, section 18.80, subdivision 1, is amended to read:

Subdivision 1. **County agricultural inspectors.** ~~The county board shall appoint one or more county agricultural inspectors that meet the qualifications prescribed by rule. The appointment must be for a period of time which is sufficient to accomplish the duties assigned to this position or other designated employee to carry out the duties and responsibilities of sections 18.76 to 18.91 within the county. A notice of the appointment must be delivered to the commissioner within ten days of the appointment and it must establish the initial number of hours to be worked annually.~~"

Page 6, delete section 16

Page 13, delete section 28 and insert:

"Sec. 27. **[18.91] ADVISORY COMMITTEE; MEMBERSHIP.**

Subdivision 1. **Duties.** The commissioner shall consult with the Noxious Weed Advisory Committee to advise the commissioner concerning responsibilities under the noxious weed control program. The committee shall also evaluate species for invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused by them. For each species evaluated, the committee shall recommend to the commissioner on which noxious weed list or lists, if any, the species should be placed. Species currently designated as prohibited or restricted noxious weeds must be reevaluated every three years for a recommendation on whether or not they need to remain on the noxious weed lists. Members of the committee are not entitled to reimbursement of expenses nor payment of per diem. Members shall serve two-year terms with subsequent reappointment by the commissioner.

Subd. 2. **Membership.** The commissioner shall appoint members, which shall include representatives from the following:

- (1) horticultural science, agronomy, and forestry at the University of Minnesota;
- (2) the nursery and landscape industry in Minnesota;
- (3) the seed industry in Minnesota;
- (4) the Department of Agriculture;
- (5) the Department of Natural Resources;
- (6) a conservation organization;
- (7) an environmental organization;
- (8) at least two farm organizations;
- (9) the county agricultural inspectors;
- (10) city, township, and county governments;
- (11) the Department of Transportation;
- (12) the University of Minnesota Extension;
- (13) the timber and forestry industry in Minnesota;
- (14) the Board of Water and Soil Resources; and

(15) soil and water conservation districts.

Subd. 3. **Additional duties.** The committee shall conduct evaluations of terrestrial plant species to recommend if they need to be designated as noxious weeds and into which noxious weed classification they should be designated, advise the commissioner on the implementation of the Noxious Weed Law, and assist the commissioner in the development of management criteria for each noxious weed category.

Subd. 4. **Organization.** The committee shall select a chair from its membership. Meetings of the committee may be called by or at the direction of the commissioner or upon direction of its chair.

Subd. 5. **Expiration.** Notwithstanding section 15.059, subdivision 3, the committee expires June 30, 2013.

Sec. 28. **DEADLINE FOR APPOINTMENTS.**

The commissioner shall complete the appointments required under Minnesota Statutes, section 18.91 by September 1, 2009. The commissioner or the commissioner's designee shall convene the first meeting of the committee no later than October 1, 2009."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 867: A bill for an act relating to education; modifying charter school provisions; amending Minnesota Statutes 2008, sections 124D.10, subdivisions 1, 2a, 3, 4, 4a, 5, 6, 6a, 7, 8, 9, 11, 14, 15, 17, 20, 23, 23a, 25, by adding subdivisions; 124D.11, subdivisions 4, 9; repealing Minnesota Statutes 2008, section 124D.10, subdivisions 18, 19, 26.

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

Page 2, line 10, after the second period, insert "The commissioner shall consider geographic balance when making these appointments."

Page 2, line 35, delete "legislature," and insert "chairs and ranking minority members of the legislative committees with jurisdiction over education policy and finance"

Page 3, delete line 6 and insert:

"**EFFECTIVE DATE.** Paragraph (c) is effective retroactively to June 30, 2007."

Page 25, after line 1, insert:

"Sec. 25. **APPOINTMENTS TO CHARTER SCHOOL ADVISORY COUNCIL.**

The commissioner shall complete the appointments required under Minnesota Statutes, section 124D.10, subdivision 2a, no later than September 1, 2009. The commissioner's designee shall

convene the first meeting of the council no later than October 1, 2009."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 1507: A bill for an act relating to agriculture; establishing the Feeding Minnesota Task Force; proposing coding for new law in Minnesota Statutes, chapter 31.

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

Page 1, line 7, before "maximize" insert "make proposals to"

Page 1, line 11, before the colon, insert ", with consideration given to geographic diversity"

Page 2, line 6, after "recommendations" insert ", including any necessary draft legislation," and after "chairs" insert "and ranking minority members"

Page 2, after line 9, insert:

"Sec. 2. **DEADLINE FOR APPOINTMENTS.**

The commissioner shall complete the appointments required under Minnesota Statutes, section 31.97, by September 1, 2009. The commissioner or the commissioner's designee shall convene the first meeting of the Feeding Minnesota Task Force no later than October 1, 2009."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 160: A bill for an act relating to elections; allowing certain persons access to multiple unit residences for certain campaign and election purposes; amending Minnesota Statutes 2008, section 211B.20, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 211B.20, subdivision 1, is amended to read:

Subdivision 1. **Prohibition.** (a) It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has ~~filed for election to public office~~ organized a campaign committee as permitted by state or federal law, or otherwise notified a public official, for the purpose

of seeking election to a public office at the next general election to be held for that office, or to campaign workers accompanied by the candidate, if:

(1) the candidate and workers seeking admittance to the facility do so ~~solely~~ exclusively for the purpose of campaigning for a candidate or registering voters; and

(2) the candidate and any campaign workers accompanying the candidate are within the territory for which the candidate is currently on file for election.

(b) A candidate and campaign workers obtaining access under this section must be permitted to leave campaign materials for residents at their doors, except that the manager of a nursing home may direct that the campaign materials be left at a central location. The materials must be left in an orderly manner.

(c) A violation of this section is a petty misdemeanor.

Sec. 2. Minnesota Statutes 2008, section 211B.20, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** Subdivision 1 does not prohibit:

(1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;

(2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;

(3) in the case of a nursing home, or a registered housing with services establishment providing assisted living services meeting the requirements of section 144G.03, subdivision 2, denial of permission to visit certain persons for valid health reasons;

(4) limiting visits by candidates or workers accompanied by the candidate to a reasonable number of persons or reasonable hours;

(5) requiring a prior appointment to gain access to the facility; or

(6) denial of admittance to or expulsion from a multiple unit dwelling for good cause."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "expanding certain exceptions to access provided to multiple unit residences for certain campaign purposes;"

Amend the title numbers accordingly

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

Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was referred

S.F. No. 550: A bill for an act relating to energy; allowing carry forward of excess energy savings by power companies; requiring study of conservation improvement program; amending Minnesota Statutes 2008, section 216B.241, subdivision 1c.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 216A.03, subdivision 6, is amended to read:

Subd. 6. **Record of proceedings.** An audio magnetic or audio electronic recording device shall be used to keep a record of all proceedings before the commission ~~unless the commission provides a hearing reporter to record the proceeding.~~

Sec. 2. Minnesota Statutes 2008, section 216A.03, is amended by adding a subdivision to read:

Subd. 6a. **Hearing reporter.** A magnetically or electronically recorded record is not required if the commission requires a hearing reporter to record the proceeding. The commission may delegate to the executive secretary authority to require hearing reporter services. The cost of hearing reporter services must be borne by the utility, telephone company, or telecommunications carrier that is the subject of the proceeding. If more than one company is the subject of a proceeding, the commission or, if the commission so delegates, the executive secretary, shall determine how the hearing reporter costs are to be allocated for the proceeding.

Sec. 3. **[216B.0952] REPORT ON PROVIDING DELIVERED HOME HEATING FUEL.**

(a) A fuel oil or propane company receiving \$150,000 or more from the Low Income Home Energy Assistance Program (LIHEAP) for the previous heating season for deliveries to customers in the state must report the following information to the Office of Energy Security by August 1, next following the heating season on a form prepared by the office:

(1) its total number of customers;

(2) its total number of customers receiving LIHEAP assistance; and

(3) all of the following separately for its residential and residential LIHEAP customers:

(i) the number of customers refused delivery at any time during the heating season. Vendors must report if they refused delivery to the same service address more than one time during the heating season;

(ii) the number of customers on keep-fill;

(iii) the number of full and partial pre-buy customers;

(iv) the number of customers currently on budget-billing or payment plans;

(v) the number of customers currently behind on their bills;

(vi) the amount of LIHEAP funding received for the previous heating season;

(vii) the per gallon price for fuel for each of the heating season months;

(viii) all non-fuel-related fees paid by LIHEAP funds; and

(ix) a price list of routine services that are normal and customary, including, but not limited to:

(A) leak or pressure test fee;

- (B) minimum delivery amounts and fees;
- (C) special trip during business hours and nonbusiness hours;
- (D) same-day delivery fee;
- (E) after hours, weekend, and holiday delivery fee; and
- (F) next work day delivery fee.

The Office of Energy Security must regularly track delivered heating fuel prices throughout the year.

(b) For the purpose of this section, "heating season" means the period from October 15 to the next April 15.

Sec. 4. Minnesota Statutes 2008, section 216B.16, subdivision 2, is amended to read:

Subd. 2. **Suspension of proposed rate; hearing; final determination defined.** (a) Whenever there is filed with the commission a schedule modifying or resulting in a change in any rates then in force as provided in subdivision 1, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ten months beyond the initial filing date except as provided in this subdivision or subdivision 1a.

(b) During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the department can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or 250 affected customers, whichever is less, it shall refer the matter to the Office of Administrative Hearings with instructions for a public hearing as a contested case pursuant to chapter 14, except as otherwise provided in this section.

(c) The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the utility's revenue requirements and (2) determination of the rate design. Upon issuance of both administrative law judge reports, the issues shall again be joined for consideration and final determination by the commission.

(d) All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the Department of Commerce.

(e) If the commission does not make a final determination concerning a schedule of rates within ten months after the initial filing date, the schedule shall be deemed to have been approved by the commission; except if:

(1) an extension of the procedural schedule has been granted under paragraph (f) or subdivision 1a, in which case the schedule of rates is deemed to have been approved by the commission on the last day of the extended period of suspension; or

(2) a settlement has been submitted to and rejected by the commission and the commission does not make a final determination concerning the schedule of rates, the schedule of rates is deemed to

have been approved 60 days after the initial or, if applicable, the extended period of suspension.

(f) If the commission finds that it has insufficient time during the suspension period to make a final determination of a case involving changes in general rates because of the need to make a final determination of ~~another previously filed~~ any pending case involving changes in general rates under this section or section 237.075, the commission may extend the suspension period to ~~the extent necessary to allow itself 20 working days to~~ allow up to a total of 90 additional calendar days to make the final determination ~~after it has made a final determination in the previously filed case~~. An extension of the suspension period under this paragraph does not alter the setting of interim rates under subdivision 3.

(g) For the purposes of this section, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all those petitions.

Sec. 5. Minnesota Statutes 2008, section 216B.16, subdivision 6c, is amended to read:

Subd. 6c. **Incentive plan for energy conservation improvement.** (a) The commission may order public utilities to develop and submit for commission approval incentive plans that describe the method of recovery and accounting for utility conservation expenditures and savings. In developing the incentive plans the commission shall ensure the effective involvement of interested parties.

(b) In approving incentive plans, the commission shall consider:

- (1) whether the plan is likely to increase utility investment in cost-effective energy conservation;
- (2) whether the plan is compatible with the interest of utility ratepayers and other interested parties;
- (3) whether the plan links the incentive to the utility's performance in achieving cost-effective conservation; and
- (4) whether the plan is in conflict with other provisions of this chapter.

(c) The commission may set rates to encourage the vigorous and effective implementation of utility conservation programs. The commission may:

- (1) increase or decrease any otherwise allowed rate of return on net investment based upon the utility's skill, efforts, and success in conserving energy;
- (2) share between ratepayers and utilities the net savings resulting from energy conservation programs to the extent justified by the utility's skill, efforts, and success in conserving energy; and
- (3) compensate the utility for earnings lost as a result of its conservation programs adopt any mechanism that satisfies the criteria of this subdivision.

Sec. 6. Minnesota Statutes 2008, section 216B.16, subdivision 7b, is amended to read:

Subd. 7b. **Transmission cost adjustment.** (a) Notwithstanding any other provision of this chapter, the commission may approve a tariff mechanism for the automatic annual adjustment of charges for the Minnesota jurisdictional costs of (i) new transmission facilities that have

been separately filed and reviewed and approved by the commission under section 216B.243 or are certified as a priority project or deemed to be a priority transmission project under section 216B.2425; and (ii) charges incurred by a utility that accrue from other transmission owners' regionally planned transmission projects that have been determined by the Midwest Independent System Operator to benefit the utility, as provided for under a federally approved tariff.

(b) Upon filing by a public utility or utilities providing transmission service, the commission may approve, reject, or modify, after notice and comment, a tariff that:

(1) allows the utility to recover on a timely basis the costs net of revenues of facilities approved under section 216B.243 or certified or deemed to be certified under section 216B.2425 or exempt from the requirements of section 216B.243;

(2) allows the charges incurred by a utility that accrue from other transmission owners' regionally planned transmission projects that have been determined by the Midwest Independent System Operator to benefit the utility, as provided for under a federally approved tariff. These charges must be reduced or offset by revenues received by the utility and by amounts the utility charges to other regional transmission owners, to the extent those revenues and charges have not been otherwise offset;

(3) allows a return on investment at the level approved in the utility's last general rate case, unless a different return is found to be consistent with the public interest;

(4) provides a current return on construction work in progress, provided that recovery from Minnesota retail customers for the allowance for funds used during construction is not sought through any other mechanism;

(5) allows for recovery of other expenses if shown to promote a least-cost project option or is otherwise in the public interest;

(6) allocates project costs appropriately between wholesale and retail customers;

(7) provides a mechanism for recovery above cost, if necessary to improve the overall economics of the project or projects or is otherwise in the public interest; and

(8) terminates recovery once costs have been fully recovered or have otherwise been reflected in the utility's general rates.

(c) A public utility may file annual rate adjustments to be applied to customer bills paid under the tariff approved in paragraph (b). In its filing, the public utility shall provide:

(1) a description of and context for the facilities included for recovery;

(2) a schedule for implementation of applicable projects;

(3) the utility's costs for these projects;

(4) a description of the utility's efforts to ensure the lowest costs to ratepayers for the project; and

(5) calculations to establish that the rate adjustment is consistent with the terms of the tariff established in paragraph (b).

(d) Upon receiving a filing for a rate adjustment pursuant to the tariff established in paragraph (b), the commission shall approve the annual rate adjustments provided that, after notice and comment, the costs included for recovery through the tariff were or are expected to be prudently incurred and achieve transmission system improvements at the lowest feasible and prudent cost to ratepayers.

Sec. 7. Minnesota Statutes 2008, section 216B.16, is amended by adding a subdivision to read:

Subd. 7d. Central Corridor utility zone cost adjustment. (a) The Central Corridor utility zone is the area extending from the Union Depot Station in St. Paul to the proposed multimodal station in Minneapolis along the route of the light rail transit project connecting those two points, and an area extending approximately one-quarter mile from that route and including the entire University of Minnesota, Minneapolis campus.

(b) A public utility that provides retail electric service within the Central Corridor utility zone and that is required to replace, relocate, construct, or install new facilities, may apply to the commission for approval of new facilities in the Central Corridor utility zone and facilities outside the zone that the utility demonstrates must be changed as a direct result of changes within the zone. Facilities proposed under this subdivision may include transmission facilities, distribution facilities, generation facilities, advanced technology-assisted efficiency devices, and energy storage facilities not otherwise subject to section 216B.243, or chapter 216E, 216F, or 216G. Upon approval under paragraph (c), the utility may construct and install the facilities.

(c) The commission may approve the construction and installation of facilities in the Central Corridor mass transit utility zone proposed by a utility under paragraph (b) upon a finding:

(1) that the facilities:

(i) are necessary to provide electric service;

(ii) assist future development of renewable energy, conservation, electric vehicles, and advanced technology-assisted efficiency programs and devices; or

(iii) are exploratory, experimental, or research facilities to advance the use of renewable energy, conservation, electric vehicles, and advanced technology-assisted efficiency programs and devices;

(2) that the utility has engaged in a cooperative process with affected local and state government agencies in the design, planning, or construction of the Central Corridor utility zone project and changes to utility facilities;

(3) that the utility and local units of government have made reasonable efforts to seek federal, state, or private funds that may be available to mass transit and energy projects; and

(4) that the utility has made reasonable efforts to minimize the project costs and maximize the value of the facilities to customers.

(d) Upon request of the commission, the utility shall submit periodic reports to the commission reviewing the cost and benefits of the facilities constructed within the Central Corridor utility zone and their potential applicability to other areas outside the Central Corridor utility zone.

Sec. 8. Minnesota Statutes 2008, section 216B.1645, subdivision 2a, is amended to read:

Subd. 2a. Cost recovery for utility's renewable facilities. (a) A utility may petition the

commission to approve a rate schedule that provides for the automatic adjustment of charges to recover prudently incurred investments, expenses, or costs associated with facilities constructed, owned, or operated by a utility to satisfy the requirements of section 216B.1691, provided those facilities were previously approved by the commission under section 216B.2422 or 216B.243, or were determined by the commission to be reasonable and prudent under section 216B.243, subdivision 9. For facilities not subject to review by the commission under section 216B.2422 or 216B.243, a utility shall petition the commission for eligibility for cost recovery under this section prior to requesting cost recovery for the facility. The commission may approve, or approve as modified, a rate schedule that:

(1) allows a utility to recover directly from customers on a timely basis the costs of qualifying renewable energy projects, including:

- (i) return on investment;
- (ii) depreciation;
- (iii) ongoing operation and maintenance costs;
- (iv) taxes; and

(v) costs of transmission and other ancillary expenses directly allocable to transmitting electricity generated from a project meeting the specifications of this paragraph;

(2) provides a current return on construction work in progress, provided that recovery of these costs from Minnesota ratepayers is not sought through any other mechanism;

(3) allows recovery of other expenses incurred that are directly related to a renewable energy project, including expenses for energy storage, provided that the utility demonstrates to the commission's satisfaction that the expenses improve project economics, ensure project implementation, advance research and understanding of how storage devices may improve renewable energy projects, or facilitate coordination with the development of transmission necessary to transport energy produced by the project to market;

(4) allocates recoverable costs appropriately between wholesale and retail customers;

(5) terminates recovery when costs have been fully recovered or have otherwise been reflected in a utility's rates.

(b) A petition filed under this subdivision must include:

- (1) a description of the facilities for which costs are to be recovered;
- (2) an implementation schedule for the facilities;
- (3) the utility's costs for the facilities;

(4) a description of the utility's efforts to ensure that costs of the facilities are reasonable and were prudently incurred; and

(5) a description of the benefits of the project in promoting the development of renewable energy in a manner consistent with this chapter.

Sec. 9. Minnesota Statutes 2008, section 216B.169, subdivision 2, is amended to read:

Subd. 2. **Renewable and high-efficiency energy rate options.** (a) Each A utility shall may offer its customers, ~~and shall advertise the offer at least annually,~~ one or more options that allow a customer to determine that a certain amount of the electricity generated or purchased on behalf of the customer is renewable energy or energy generated by high-efficiency, low-emissions, distributed generation such as fuel cells and microturbines fueled by a renewable fuel.

~~(b) Each public utility shall file an implementation plan within 90 days of July 1, 2001, to implement paragraph (a).~~

~~(e)~~(b) Rates charged to customers must be calculated using the utility's cost of acquiring the energy for the customer and must:

(1) reflect the difference between the cost of generating or purchasing the renewable energy and the cost of generating or purchasing the same amount of nonrenewable energy; and

(2) be distributed on a per kilowatt-hour basis among all customers who choose to participate in the program.

~~(d) Implementation of these rate options may reflect a reasonable amount of lead time necessary to arrange acquisition of the energy. (c) The utility may acquire the energy demanded by customers, in whole or in part, through procuring or generating the renewable energy directly, or through the purchase of credits from a provider that has received certification of eligible power supply pursuant to subdivision 3. If a utility is not able to arrange an adequate supply of renewable or high-efficiency energy to meet its customers' demand under this section, the utility must file a report with the commission detailing its efforts and reasons for its failure.~~

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

Sec. 10. Minnesota Statutes 2008, section 216B.1691, subdivision 2a, is amended to read:

Subd. 2a. **Eligible energy technology standard.** (a) Except as provided in paragraph (b), each electric utility shall generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota, or the retail customers of a distribution utility to which the electric utility provides wholesale electric service, so that at least the following standard percentages of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:

- | | | |
|-----|------|-------------|
| (1) | 2012 | 12 percent |
| (2) | 2016 | 17 percent |
| (3) | 2020 | 20 percent |
| (4) | 2025 | 25 percent. |

(b) An electric utility that owned a nuclear generating facility as of January 1, 2007, must meet the requirements of this paragraph rather than paragraph (a). An electric utility subject to this paragraph must generate or procure sufficient electricity generated by an eligible energy technology to provide its retail customers in Minnesota or the retail customer of a distribution utility to which the electric utility provides wholesale electric service so that at least the following percentages

of the electric utility's total retail electric sales to retail customers in Minnesota are generated by eligible energy technologies by the end of the year indicated:

- | | | |
|-----|------|-------------|
| (1) | 2010 | 15 percent |
| (2) | 2012 | 18 percent |
| (3) | 2016 | 25 percent |
| (4) | 2020 | 30 percent. |

Of the 30 percent in 2020, at least 25 percent must be generated by solar energy or wind energy conversion systems and the remaining five percent by other eligible energy technology. Of the 25 percent that must be generated by wind or solar, no more than one percent may be solar generated and the remaining 24 percent or greater must be wind generated.

Sec. 11. Minnesota Statutes 2008, section 216B.23, is amended by adding a subdivision to read:

Subd. 1a. **Authority to issue refund.** On determining that a public utility has charged a rate in violation of this chapter, a commission rule, or a commission order, the commission, after conducting a proceeding, may require the public utility to refund to its customers, in a manner approved by the commission, any revenues the commission finds were collected as a result of the unlawful conduct. Any refund authorized by this section is permitted in addition to any remedies authorized by section 216B.16 or any other law governing rates. Exercising authority under this section does not preclude the commission from pursuing penalties under sections 216B.57 to 216B.61 for the same conduct. Nothing in this section shall be construed as allowing retroactive ratemaking. In addition, nothing in this section shall be construed to allow refunds based on claims that prior or current approved rates have been unjust, unreasonable, unreasonably preferential, discriminatory, insufficient, inequitable, or inconsistent in application to a class of customers. Moreover, nothing in this section shall be construed to allow refunds based on claims that approved rates have not encouraged energy conservation, encouraged renewable energy use, or furthered the goals of section 216B.164, 216B.241, or 216C.05. A refund under this subdivision shall not apply to revenues collected more than six years prior to the date of the notice of the commission proceeding.

Sec. 12. Minnesota Statutes 2008, section 216B.241, subdivision 1c, is amended to read:

Subd. 1c. **Energy-saving goals.** (a) The commissioner shall establish energy-saving goals for energy conservation improvement expenditures and shall evaluate an energy conservation improvement program on how well it meets the goals set.

(b) Each individual utility and association shall have an annual energy-savings goal equivalent to 1.5 percent of gross annual retail energy sales unless modified by the commissioner under paragraph (d). The savings goals must be calculated based on the most recent three-year weather normalized average. A utility or association may elect to carry forward energy savings in excess of 1.5 percent for a year to the succeeding three calendar years, except that savings from electric utility infrastructure projects allowed under paragraph (d) may be carried forward for five years. A particular energy savings can be used only for one year's goal.

(c) The commissioner must adopt a filing schedule that is designed to have all utilities and associations operating under an energy-savings plan by calendar year 2010.

(d) In its energy conservation improvement plan filing, a utility or association may request the commissioner to adjust its annual energy-savings percentage goal based on its historical conservation investment experience, customer class makeup, load growth, a conservation potential study, or other factors the commissioner determines warrants an adjustment. The commissioner may not approve a plan that provides for an annual energy-savings goal of less than one percent of gross annual retail energy sales from energy conservation improvements.

A utility or association may include in its energy conservation plan energy savings from electric utility infrastructure projects approved by the commission under section 216B.1636 or waste heat recovery converted into electricity projects that may count as energy savings in addition to the minimum energy-savings goal of at least one percent for energy conservation improvements. Electric utility infrastructure projects must result in increased energy efficiency greater than that which would have occurred through normal maintenance activity.

(e) An energy-savings goal is not satisfied by attaining the revenue expenditure requirements of subdivisions 1a and 1b, but can only be satisfied by meeting the energy-savings goal established in this subdivision.

(f) An association or utility is not required to make energy conservation investments to attain the energy-savings goals of this subdivision that are not cost-effective even if the investment is necessary to attain the energy-savings goals. For the purpose of this paragraph, in determining cost-effectiveness, the commissioner shall consider the costs and benefits to ratepayers, the utility, participants, and society. In addition, the commissioner shall consider the rate at which an association or municipal utility is increasing its energy savings and its expenditures on energy conservation.

(g) On an annual basis, the commissioner shall produce and make publicly available a report on the annual energy savings and estimated carbon dioxide reductions achieved by the energy conservation improvement programs for the two most recent years for which data is available. The commissioner shall report on program performance both in the aggregate and for each entity filing an energy conservation improvement plan for approval or review by the commissioner.

(h) By January 15, 2010, the commissioner shall report to the legislature whether the spending requirements under subdivisions 1a and 1b are necessary to achieve the energy-savings goals established in this subdivision.

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

Sec. 13. Minnesota Statutes 2008, section 216B.241, subdivision 5a, is amended to read:

Subd. 5a. **Qualifying solar energy project.** (a) A utility or association may include in its conservation plan programs for the installation of qualifying solar energy projects as defined by section 216B.2411 to the extent of the spending allowed for generation projects by section 216B.2411. The cost-effectiveness of a qualifying solar energy project may be determined by a different standard than for other energy conservation improvements under this section if the commissioner determines it is in the public interest to do so to encourage solar energy projects. Energy savings from qualifying solar energy projects may not be counted toward the minimum energy-savings goal of at least one percent for energy conservation improvements required under subdivision 1c, but may, if the conservation plan is approved:

(1) be counted toward energy savings above that minimum percentage; and

(2) ~~be considered when establishing performance incentives under section 216B.241, subdivision 2e~~ eligible for a performance incentive under section 216B.16, subdivision 6c, or 216B.241, subdivision 2c, that is distinct from the incentive for energy conservation and is based on the competitiveness and cost-effectiveness of solar projects in relation to other potential solar projects available to the utility.

(b) Qualifying solar energy projects may not be considered when establishing demand-side management targets under section 216B.2422, 216B.243, or any other section of this chapter.

Sec. 14. Minnesota Statutes 2008, section 216B.241, subdivision 9, is amended to read:

Subd. 9. Building performance standards; Sustainable Building 2030. (a) The purpose of this subdivision is to establish cost-effective energy-efficiency performance standards for new and substantially reconstructed commercial, industrial, and institutional buildings that can significantly reduce carbon dioxide emissions by lowering energy use in new and substantially reconstructed buildings. For the purposes of this subdivision, the establishment of these standards may be referred to as Sustainable Building 2030.

(b) The commissioner shall contract with the Center for Sustainable Building Research at the University of Minnesota to coordinate development and implementation of energy-efficiency performance standards, strategic planning, research, data analysis, technology transfer, training, and other activities related to the purpose of Sustainable Building 2030. The commissioner and the Center for Sustainable Building Research shall, in consultation with utilities, builders, developers, building operators, and experts in building design and technology, develop a Sustainable Building 2030 implementation plan that must address, at a minimum, the following issues:

(1) training architects to incorporate the performance standards in building design;

(2) incorporating the performance standards in utility conservation improvement programs; and

(3) developing procedures for ongoing monitoring of energy use in buildings that have adopted the performance standards.

The plan must be submitted to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over energy policy by July 1, 2009.

(c) Sustainable Building 2030 energy-efficiency performance standards must be firm, quantitative measures of total building energy use and associated carbon dioxide emissions per square foot for different building types and uses, that allow for accurate determinations of a building's conformance with a performance standard. The energy-efficiency performance standards must be updated every three or five years to incorporate all cost-effective measures. The performance standards must reflect the reductions in carbon dioxide emissions per square foot resulting from actions taken by utilities to comply with the renewable energy standards in section 216B.1691. The performance standards should be designed to achieve reductions equivalent to the following reduction schedule, measured against energy consumption by an average building in each applicable building sector in 2003: (1) 60 percent in 2010; (2) 70 percent in 2015; (3) 80 percent in 2020; and (4) 90 percent in 2025. A performance standard must not be established or increased absent a conclusive engineering analysis that it is cost-effective based upon established practices used in evaluating utility conservation improvement programs.

(d) The annual amount of the contract with the Center for Sustainable Building Research is up to \$500,000. The Center for Sustainable Building Research shall expend no more than \$150,000 of this amount each year on administration, coordination, and oversight activities related to Sustainable Building 2030. The balance of contract funds must be spent for subcontracts with not-for-profit energy organizations, architecture and engineering firms, and other qualified entities to undertake technical projects and activities in support of Sustainable Building 2030. The primary work to be accomplished each year by qualified technical experts under subcontracts is the development and thorough justification of recommendations for specific energy-efficiency performance standards. Additional work may include:

(1) research, development, and demonstration of new energy-efficiency technologies and techniques suitable for commercial, industrial, and institutional buildings;

(2) analysis and evaluation of practices in building design, construction, commissioning and operations, and analysis and evaluation of energy use in the commercial, industrial, and institutional sectors;

(3) analysis and evaluation of the effectiveness and cost-effectiveness of Sustainable Building 2030 performance standards, conservation improvement programs, and building energy codes;

(4) development and delivery of training programs for architects, engineers, commissioning agents, technicians, contractors, equipment suppliers, developers, and others in the building industries; and

(5) analyze and evaluate the effect of building operations on energy use.

(e) The commissioner shall require utilities to develop and implement conservation improvement programs that are expressly designed to achieve energy efficiency goals consistent with the Sustainable Building 2030 performance standards. These programs must include offerings of design assistance and modeling, financial incentives, and the verification of the proper installation of energy-efficient design components in new and substantially reconstructed buildings. A utility's design assistance program must consider the strategic planting of trees and shrubs around buildings as an energy conservation strategy for the designed project. A utility making an expenditure under its conservation improvement program that results in a building meeting the Sustainable Building 2030 performance standards may claim the energy savings toward its energy-savings goal established in subdivision 1c.

(f) The commissioner shall report to the legislature every three years, beginning January 15, 2010, on the cost-effectiveness and progress of implementing the Sustainable Building 2030 performance standards and shall make recommendations on the need to continue the program as described in this section.

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

Sec. 15. Minnesota Statutes 2008, section 216B.2411, subdivision 1, is amended to read:

Subdivision 1. **Generation projects.** (a) Any municipality or rural electric association providing electric service and subject to section 216B.241 may, and each public utility may, use five percent of the total amount to be spent on energy conservation improvements under section 216B.241, on:

(1) projects in Minnesota to construct an electric generating facility that utilizes eligible

renewable energy sources as defined in subdivision 2, such as methane or other combustible gases derived from the processing of plant or animal wastes, biomass fuels such as short-rotation woody or fibrous agricultural crops, or other renewable fuel, as its primary fuel source;

(2) projects in Minnesota to install a distributed generation facility of ten megawatts or less of interconnected capacity that is fueled by natural gas, renewable fuels, or another similarly clean fuel; or

(3) projects in Minnesota to install a qualifying solar energy project as defined in subdivision 2.

(b) A municipality, rural electric association, or public utility that offers a program to customers to promote installing qualifying solar energy projects may request authority from the commissioner to exceed the five percent limit in paragraph (a), but not to exceed ten percent, to meet customer demand for installation of qualifying solar energy projects. In considering this request, the commissioner shall consider customer interest in qualifying solar energy and the impact on other customers.

(c) For public utilities, as defined under section 216B.02, subdivision 4, projects under this section must be considered energy conservation improvements as defined in section 216B.241. For cooperative electric associations and municipal utilities, projects under this section must be considered load-management activities described in section 216B.241, subdivision 1.

Sec. 16. Minnesota Statutes 2008, section 216B.2411, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision and section 216B.241, subdivision 1, have the meanings given them.

(b) "Eligible renewable energy sources" means fuels and technologies to generate electricity through the use of any of the resources listed in section 216B.1691, subdivision 1, paragraph (a), except that the incineration of wastewater sludge is not an eligible renewable energy source, "biomass" has the meaning provided under paragraph (c), and "solar" must be from a qualified solar energy project as defined in paragraph (d).

(c) "Biomass" includes:

- (1) methane or other combustible gases derived from the processing of plant or animal material;
- (2) alternative fuels derived from soybean and other agricultural plant oils or animal fats;
- (3) combustion of barley hulls, corn, soy-based products, or other agricultural products;
- (4) wood residue from the wood products industry in Minnesota or other wood products such as short-rotation woody or fibrous agricultural crops;

(5) landfill gas;

(6) the predominantly organic components of wastewater effluent, sludge, or related byproducts from publicly owned treatment works; and

(7) mixed municipal solid waste, and refuse-derived fuel from mixed municipal solid waste.

(d) "Qualifying solar energy project" means a qualifying solar thermal project or qualifying solar electric project.

(e) "Qualifying solar thermal project" means a flat plate or evacuated tube that meets the requirements of section 216C.25 with a fixed orientation that collects the sun's radiant energy and transfers it to a storage medium for distribution as energy to heat or cool air or water, but does not include equipment used to heat water at a residential property (1) for domestic use if less than one-half of the energy used for that purpose is derived from the sun or (2) for use in a hot tub or swimming pool.

(f) "Qualifying solar electric project" means solar electric equipment that meets the requirements of section 216C.25 and includes, if applicable, related on-site energy storage equipment, with a total peak generating capacity of 100 kilowatts or less used for generating electricity primarily for use in a residential ~~property or small business~~, commercial, or publicly owned building to reduce the effective electric load for that ~~residence or small business building~~.

(g) "Residential ~~property~~ building" means the principal residence of a homeowner at the time the solar equipment is placed in service.

~~(h) "Small business" has the meaning given to it in section 645.445.~~

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

Sec. 17. Minnesota Statutes 2008, section 216B.2424, subdivision 5a, is amended to read:

Subd. 5a. **Reduction of biomass mandate.** (a) Notwithstanding subdivision 5, the biomass electric energy mandate must be reduced from 125 megawatts to 110 megawatts.

(b) The Public Utilities Commission shall approve a request pending before the commission as of May 15, 2003, for amendments to and assignment of a power purchase agreement with the owner of a facility that uses short-rotation, woody crops as its primary fuel previously approved to satisfy a portion of the biomass mandate if the owner of the project agrees to reduce the size of its project from 50 megawatts to 35 megawatts, while maintaining an average price for energy in nominal dollars measured over the term of the power purchase agreement at or below \$104 per megawatt-hour, exclusive of any price adjustments that may take effect subsequent to commission approval of the power purchase agreement, as amended. The commission shall also approve, as necessary, any subsequent assignment or sale of the power purchase agreement or ownership of the project to an entity owned or controlled, directly or indirectly, by two municipal utilities located north of Constitutional Route No. 8, as described in section 161.114, which currently own electric and steam generation facilities using coal as a fuel and which propose to retrofit their existing municipal electrical generating facilities to utilize biomass fuels in order to perform the power purchase agreement.

(c) If the power purchase agreement described in paragraph (b) is assigned to an entity that is, or becomes, owned or controlled, directly or indirectly, by two municipal entities as described in paragraph (b), and the power purchase agreement meets the price requirements of paragraph (b), the commission shall approve any amendments to the power purchase agreement necessary to reflect the changes in project location and ownership and any other amendments made necessary by those changes. The commission shall also specifically find that:

(1) the power purchase agreement complies with and fully satisfies the provisions of this section to the full extent of its 35-megawatt capacity;

(2) all costs incurred by the public utility and all amounts to be paid by the public utility to the

project owner under the terms of the power purchase agreement are fully recoverable pursuant to section 216B.1645;

(3) subject to prudence review by the commission, the public utility may recover from its Minnesota retail customers the Minnesota jurisdictional portion of the amounts that may be incurred and paid by the public utility during the full term of the power purchase agreement; and

(4) if the purchase power agreement meets the requirements of this subdivision, it is reasonable and in the public interest.

(d) The commission shall specifically approve recovery by the public utility of any and all Minnesota jurisdictional costs incurred by the public utility to improve, construct, install, or upgrade transmission, distribution, or other electrical facilities owned by the public utility or other persons in order to permit interconnection of the retrofitted biomass-fueled generating facilities or to obtain transmission service for the energy provided by the facilities to the public utility pursuant to section 216B.1645, and shall disapprove any provision in the power purchase agreement that requires the developer or owner of the project to pay the jurisdictional costs or that permit the public utility to terminate the power purchase agreement as a result of the existence of those costs or the public utility's obligation to pay any or all of those costs.

(e) Upon request by the project owner, the public utility shall agree to amend the power purchase agreement described in paragraph (b) and approved by the commission as required by paragraph (c). The amendment shall be negotiated and executed within 45 days of the effective date of this section and shall apply to prices paid after January 1, 2009. In no event shall the average price for energy in nominal dollars measured over the term of the power purchase agreement exceed \$104 per megawatt hour by more than five percent. The public utility shall request approval of the amendment by the commission within 30 days of execution of the amended power purchase agreement. The amendment is not effective until approval by the commission. The commission must act on the amendment within 90 days of submission of the request by the public utility. Upon approval of the amended power purchase agreement, the commission shall allow the public utility to recover the costs of the amended power purchase agreement, as provided in section 216B.1645.

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

Sec. 18. Minnesota Statutes 2008, section 216B.243, subdivision 8, is amended to read:

Subd. 8. **Exemptions.** This section does not apply to:

(1) cogeneration or small power production facilities as defined in the Federal Power Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and paragraph (18), subparagraph (A), and having a combined capacity at a single site of less than 80,000 kilowatts; plants or facilities for the production of ethanol or fuel alcohol; or any case where the commission has determined after being advised by the attorney general that its application has been preempted by federal law;

(2) a high-voltage transmission line proposed primarily to distribute electricity to serve the demand of a single customer at a single location, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(3) the upgrade to a higher voltage of an existing transmission line that serves the demand of a single customer that primarily uses existing rights-of-way, unless the applicant opts to request that

the commission determine need under this section or section 216B.2425;

(4) a high-voltage transmission line of one mile or less required to connect a new or upgraded substation to an existing, new, or upgraded high-voltage transmission line;

(5) conversion of the fuel source of an existing electric generating plant to using natural gas; or

(6) the modification of an existing electric generating plant to increase efficiency, as long as the capacity of the plant is not increased more than ten percent or more than 100 megawatts, whichever is greater; or

~~(7) a large energy facility that (i) generates electricity from wind energy conversion systems, (ii) will serve retail customers in Minnesota, (iii) is specifically intended to be used to meet the renewable energy objective under section 216B.1691 or addresses a resource need identified in a current commission approved or commission reviewed resource plan under section 216B.2422, and (iv) derives at least ten percent of the total nameplate capacity of the proposed project from one or more C-BED projects, as defined under section 216B.1612, subdivision 2, paragraph (f).~~

Sec. 19. Minnesota Statutes 2008, section 216B.243, subdivision 9, is amended to read:

Subd. 9. **Renewable energy standard facilities.** ~~The requirements of~~ This section ~~do~~ does not apply to a wind energy conversion system or a solar electric generation facility that is intended to be used to meet ~~or exceed~~ the obligations of section 216B.1691; provided that, after notice and comment, the commission determines that the facility is a reasonable and prudent approach to meeting a utility's obligations under that section. When making this determination, the commission ~~may~~ must consider: (1) the size of the facility relative to a utility's total need for renewable resources ~~and~~; (2) alternative approaches for supplying the renewable energy to be supplied by the proposed facility, ~~and must consider~~; (3) the facility's ability to promote economic development, as required under section 216B.1691, subdivision 9; (4) the facility's ability to maintain electric system reliability ~~and consider~~; (5) impacts on ratepayers; and (6) other criteria as the commission may determine are relevant.

Sec. 20. **[216C.054] ANNUAL TRANSMISSION ADEQUACY REPORT TO LEGISLATURE.**

The commissioner of commerce, in consultation with the Public Utilities Commission, shall annually by January 15 submit a written report to the chairs and the ranking minority members of the legislative committees with primary jurisdiction over energy policy that contains a narrative describing what electric transmission infrastructure is needed within the state over the next 15 years and what specific progress is being made to meet that need. To the extent possible, the report must contain a description of specific transmission needs and the current status of proposals to address that need. The report must identify any barriers to meeting transmission infrastructure needs and make recommendations, including any legislation, that are necessary to overcome those barriers. The report must be based on the best available information and must describe what assumptions are made as the basis for the report. If the commissioner determines that there are difficulties in accurately assessing future transmission infrastructure needs, the commissioner shall explain those difficulties as part of the report. The commissioner is not required to conduct original research to support the report. The commissioner may utilize information the commissioner, the commission, and the Office of Energy Security possess and utilize in carrying out their existing statutory duties related to the state's transmission infrastructure. The report must be in easily understood, nontechnical terms.

Sec. 21. Minnesota Statutes 2008, section 216C.11, is amended to read:

216C.11 ENERGY CONSERVATION INFORMATION CENTER.

The commissioner shall establish an Energy Information Center in the department's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and alternative sources of energy.

The Energy Information Center shall serve as the official Minnesota Alcohol Fuels Information Center and shall disseminate information, printed, by the toll-free telephone information service, or otherwise on the applicability and technology of alcohol fuels.

The information center shall include information on the potential hazards of energy conservation techniques and improvements in the printed materials disseminated. The commissioner shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

The information center shall use the information collected under section 216C.02, subdivision 1, to maintain a central source of information on conservation and other energy-related programs, including both programs required by law or rule and programs developed and carried on voluntarily. In particular, the information center shall compile and maintain information on policies covering disconnections or denials of fuel during cold weather adopted by public utilities and other fuel suppliers not governed by ~~Minnesota Rules, parts 7820.1500 to 7820.2300~~ section 216B.096 or 216B.097, including the number of households disconnected or denied fuel and the duration of the disconnections or denials.

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

Sec. 22. LEGISLATIVE ENERGY COMMISSION; STUDY.

The Legislative Energy Commission must study the conservation improvement program under Minnesota Statutes, section 216B.241. The study can include any aspect of the program but must include the following issues:

(1) proper credit to utilities and associations for conservation caused by utility or association activity with a focus on educational activity designed to induce behavior that causes conservation;

(2) the use of third parties to develop or implement conservation improvement plans either completely or as a supplement to utility and association activities; and

(3) a mechanism so that utilities and associations can invest in plans statewide if that produces the best conservation results.

Sec. 23. APPLIANCE ENERGY STANDARDS; LEGISLATIVE ENERGY COMMISSION.

The Legislative Energy Commission shall analyze the adoption of state energy use standards for appliances it determines consume a significant amount of energy statewide and for which the state

is not preempted by federal law from adopting standards. Televisions must be one of the appliances for which a standard must be analyzed. The analysis must include:

- (1) consideration of the effect of the standard on the appliance market in the state;
- (2) the effect of the standard on consumer costs of purchasing and operating an appliance;
- (3) technical ability to comply with a standard currently and in the future; and
- (4) energy savings achievable by a standard.

Sec. 24. LEGISLATIVE ENERGY COMMISSION; LOW-CARBON FUEL STANDARD STUDY AND RECOMMENDATIONS.

The Legislative Energy Commission shall study and make recommendations on whether and how to implement a low-carbon fuel standard for transportation fuels used in motor vehicles. The standard would be designed to reduce the carbon content of those transportation fuels over time in an amount the commission determines appropriate considering the full range of societal impacts caused by the reduction, including environmental and economic impacts. The commission shall submit a report on the results of the study along with legislative recommendations by January 15, 2010, to the chairs and ranking minority members of the legislative committees with primary jurisdiction over energy issues.

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

Sec. 25. NATURAL GAS UTILITIES; INTERIM ENERGY SAVINGS PLAN.

The commissioner of commerce may approve an energy conservation improvement plan under Minnesota Statutes, section 216B.241, subdivision 1c, paragraph (d), that:

- (1) is submitted to the commissioner in calendar year 2009 by a utility that provides natural gas service at retail;
- (2) governs the conservation improvements to be undertaken by the utility over the next three-year time period; and
- (3) is accompanied by a conservation potential study that specifies how the utility may meet and exceed the minimum energy savings goal of one percent of gross annual retail energy sales within five years of submission of the plan.

Nothing in this section precludes the commissioner from requiring additional energy conservation improvement activities and programs beyond those proposed by the utility in its proposed plan as long as those additional activities and programs meet the requirements of Minnesota Statutes, section 216B.241. The commissioner shall require all reasonable actions by the utility that will increase the likelihood of the utility meeting and exceeding the minimum one percent energy savings goal and the 1.5 percent goal as soon as reasonably feasible.

Sec. 26. RESIDENTIAL ENERGY USE DISCLOSURE; STUDY AND REPORT.

(a) The Legislative Energy Commission shall study the issue of disclosing the energy use of a residence to a purchaser or renter. For purposes of this section, "residence" includes single- and multiple-family dwellings, apartments, and manufactured homes. The study must include

consideration of:

(1) the energy consumption information an energy supplier, including a utility, should furnish to a residential property owner;

(2) whether different types of energy use information disclosure should be required for existing and newly constructed residences;

(3) the energy use information that would be useful to a purchaser or renter of a residence; and

(4) when and to which prospective or actual purchasers or renters disclosure should be made.

(b) The commission shall convene a stakeholder group to assist in the study that must include, among others, residential builders, apartment owners, tenant advocates, manufactured home park owners, a nonprofit organization representing manufactured home park residents, utilities, real estate professionals, energy advocates, and consumers. The commission shall report the results of the study along with any recommended legislation to the chairs and ranking minority members of the committees of the legislature with primary jurisdiction over energy policy by January 15, 2010.

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

Sec. 27. **UTILITY RATES STUDY.**

The Public Utilities Commission, in consultation with the Office of Energy Security, shall conduct a study of automatic cost-recovery mechanisms and alternative forms of utility rate regulation. This study shall include an assessment of the impact of automatic cost-recovery mechanisms on prices charged to utility consumers compared to traditional cost-recovery mechanisms, an assessment of the impact of automatic recovery mechanisms on the level of customer understanding of utility rates compared to traditional cost-recovery mechanisms, and an assessment of alternative forms of utility rate regulation that may be used in place of automatic cost-recovery mechanisms. The study shall also address methods to improve administration and customer understanding of automatic cost-recovery mechanisms. The commission shall submit this report to the legislature on or before June 30, 2010. The commission may assess public utilities for the cost of the study. The assessment is not subject to a cap on assessments provided by section 216B.62 or any other law.

Sec. 28. **REVISOR'S INSTRUCTION.**

(a) The revisor of statutes shall replace the phrase "parts 7820.1500 to 7820.2300" in Minnesota Rules, part 7826.0200, with the phrase "Minnesota Statutes, sections 216B.096 and 216B.097."

(b) The revisor of statutes shall replace the phrase "chapter 7820" in Minnesota Rules, part 7826.1500, item B, with the phrase "Minnesota Statutes, sections 216B.096 and 216B.097."

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

Sec. 29. **REPEALER.**

Laws 2007, chapter 3, section 3, is repealed."

Delete the title and insert:

"A bill for an act relating to energy; providing for energy conservation; regulating utility

rates; providing for various Legislative Energy Commission studies; regulating utilities; amending Minnesota Statutes 2008, sections 216A.03, subdivision 6, by adding a subdivision; 216B.16, subdivisions 2, 6c, 7b, by adding a subdivision; 216B.1645, subdivision 2a; 216B.169, subdivision 2; 216B.1691, subdivision 2a; 216B.23, by adding a subdivision; 216B.241, subdivisions 1c, 5a, 9; 216B.2411, subdivisions 1, 2; 216B.2424, subdivision 5a; 216B.243, subdivisions 8, 9; 216C.11; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C; repealing Laws 2007, chapter 3, section 3."

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

Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was referred

S.F. No. 997: A bill for an act relating to energy; creating school district renewable energy grant program; authorizing bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

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

Page 2, delete lines 24 to 34 and insert:

"Sec. 2. **APPROPRIATION.**

\$...... is appropriated from state energy plan stimulus funds received from the federal American Recovery and Reinvestment Act of 2009 to the commissioner of commerce for the purpose of section 1."

Page 3, delete section 3

Amend the title as follows:

Page 1, line 3, delete "authorizing bonds;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was referred

S.F. No. 1006: A bill for an act relating to energy; creating local government renewable energy grant program; authorizing bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

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

Page 2, delete subdivision 8

Page 2, delete section 2 and insert:

"Sec. 2. **APPROPRIATION.**

\$...... is appropriated from state energy plan stimulus funds received by the state from the

federal American Recovery and Reinvestment Act of 2009 to the commissioner of commerce for the purpose of section 1."

Page 3, delete section 3

Amend the title as follows:

Page 1, line 3, delete "authorizing bonds;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was re-referred

S.F. No. 1062: A bill for an act relating to economic development; providing green job incentives; providing for green job opportunity building zones; providing small business investment company and job growth investment tax credits; allowing tax benefits; making conforming changes; defining terms; allowing biomethane energy projects; amending Minnesota Statutes 2008, sections 216B.241, by adding a subdivision; 216B.2411; 268.19, subdivision 1; 270B.14, subdivision 3; 270B.15; 272.02, by adding a subdivision; 272.029, subdivision 7; 289A.12, by adding a subdivision; 290.01, subdivisions 19b, 29; 290.06, subdivision 2c, by adding subdivisions; 290.067, subdivision 1; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 2, 3; 297A.68, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116J; 297I; 469.

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

Page 57, line 25, before "which" insert "gasification of biomass, or other effective conversion processes,"

Page 58, line 2, strike "small" and strike "small"

Page 58, line 5, delete the new language and strike the old language

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred the following appointment:

MINNESOTA HOUSING FINANCE AGENCY
Joseph B. Johnson III

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

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1569, 1797, 1884, 1599, 1761, 1189, 567, 160 and 550 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that Senate Resolution No. 65 be taken from the table. The motion prevailed.

Senate Resolution No. 65: A Senate resolution adopting Permanent Rules of the Senate.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Permanent Rules of the Senate for the 86th Legislature shall read as follows:

PERMANENT RULES OF THE SENATE**86TH LEGISLATURE (2009 - 2010)****1. PARLIAMENTARY REFERENCE**

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives.

2. REPORTING OF BILLS

Every bill, memorial, order, resolution or vote requiring the approval of the Governor must be reported to the Senate on three different days before its passage.

(a) The first report, called the first reading, is made when it has been received for introduction.

(b) The second report, called the second reading, is made when it has been considered by all the necessary standing committees and is ready for debate.

(c) The third report, called the third reading, is made when it is ready for final passage.

3. BILL INTRODUCTION

3.1 Bills, memorials, and concurrent or joint resolutions may be introduced by a member or by a standing committee.

3.2 The name of the author, authors, or committee must be written on the bill, memorial or resolution. The number of authors may not exceed five.

3.3 An original and two copies are required for introduction.

3.4 A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall deliver it to the office of the Secretary, and the Secretary shall promptly deliver all the bills, memorials or concurrent or joint resolutions to the President who shall present them to

the Senate.

3.5 During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, a bill filed with the Secretary for introduction must be given a file number and may be unofficially referred by the President, with the approval of the Chair of the Committee on Rules and Administration, to an appropriate standing committee of the Senate. All bills filed for introduction during this period must be presented to the Senate when it reconvenes and must be referred to the standing committees previously indicated by the President, subject to objection to the referral under Rule 4.10.

4. BILL REFERRAL

4.1 The President shall refer each bill without motion to the proper standing committee unless otherwise referred by the Senate.

4.2 A bill or resolution may not be referred to committee or amended until it has been given its first reading.

4.3 A member may not object to a bill or resolution on its introduction.

4.4 All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than the Committee on Finance, must be referred before passage to the Committee on Finance.

4.5 All bills delegating rulemaking to a department or agency of state government and all bills exempting a department or agency of state government from rulemaking, when referred to and reported by any other than the Committee on State and Local Government Operations and Oversight, must be referred before passage to the Committee on State and Local Government Operations and Oversight.

4.6 All bills creating a new commission, council, task force, board, or other body to which a member of the legislature will be appointed must be referred before passage both to the Committee on State and Local Government Operations and Oversight and to the Committee on Rules and Administration.

4.7 All bills authorizing or increasing a sentence of imprisonment to a state correctional institution must be referred before passage to the Committee on Judiciary.

4.8 All resolutions required to follow the same procedure as bills must be referred before passage to the Committee on Rules and Administration.

4.9 A bill introduced by a committee need not be referred to a standing committee unless a question arises. It must lie over one day before being given its second reading.

4.10 A member may question the reference of a bill during the order of business of first reading on the day of introduction. When a member questions the reference of a bill, the bill must be referred without debate to the Committee on Rules and Administration to report the proper reference. Upon adoption of the report of the Committee on Rules and Administration, the bill must be referred accordingly.

5. RECALL FROM COMMITTEE

5.1 With the concurrence of the chief author of the bill, before the deadline for committee action on a bill, a majority of the whole Senate may recall the bill from a committee and re-refer it to any other committee or place it on General Orders. After the committee deadline for action on a bill, 41 affirmative votes of the whole Senate may recall the bill from any committee and re-refer it to any other committee or place it on General Orders.

5.2 By a report of the Committee on Rules and Administration adopted by the Senate, the Committee on Rules and Administration, on request of the chief author, may remove a bill from committee and re-refer it to any other committee or place it on General Orders.

6. RESOLUTIONS

6.1 Memorial resolutions addressed to the President or the Congress of the United States, or a house or member of Congress, or a department or officer of the United States, or a state or foreign government, joint resolutions, and resolutions requiring the signature of the Governor must follow the same procedure as bills before being adopted.

6.2 A resolution may not be changed to a bill, and a bill may not be changed to a resolution.

6.3 When a member gives notice of intent to debate a resolution not required to follow the same procedure as bills and not offered by the Committee on Rules and Administration, the resolution must lie over one calendar day without debate or other action.

6.4 Upon the request of a member, the resolution must be referred to the proper committee. If a question arises concerning the proper reference the procedure provided by Rule 4.10 applies.

7. BUDGET RESOLUTION TARGETS

7.1 The Committees on Taxes and on Finance must hold hearings as necessary to determine state revenues and appropriations for the fiscal biennium.

~~7.2 Within 30 days after the last state general fund revenue and expenditure forecast for the next fiscal biennium becomes available during the regular session in the odd-numbered year, and after receiving from the Committee on Taxes a resolution containing its recommendation on the maximum limit on revenues and an amount to be set aside as a budget reserve and a cash flow account, the Committee on Finance must adopt and report to the Senate a budget resolution, in the form of a Senate resolution. The budget resolution must set: (1) the maximum limit on revenues and net appropriations for the next fiscal biennium for the general fund; and (2) an amount or amounts to be set aside as a budget reserve and a cash flow account. The budget resolution must not specify, limit, or prescribe revenues or appropriations by any category other than those specified in clauses (1) and (2). If the Committee on Finance recommends a maximum limit on revenues or an amount for the budget reserve or cash flow account that differs from the amount recommended by the Committee on Taxes, the recommendation of the Committee on Finance must be referred to the Committee on Rules and Administration before it may be considered by the Senate.~~

~~7.3 After the Senate adopts the budget resolution, the limits in the resolution are effective during~~

~~the regular session in the year in which the resolution is adopted, unless the Senate, acting upon a subsequent report of the Committee on Taxes as to revenues or of the Committee on Finance as to appropriations, adopts a different limit or limits for the same fiscal biennium. During the regular session in the even-numbered year, before the Committee on Finance reports a bill containing net appropriations in excess of the general fund appropriations in the current fiscal biennium estimated by the most recent state budget forecast, the Committee must adopt a budget resolution that accounts for the net appropriations. After the Committee adopts the budget resolution, it is effective during the regular session that year, unless the Committee adopts a different or amended resolution.~~

~~7.4 Within 14 days after the Senate or the Committee on Finance adopts a budget resolution, the Committee must adopt, by resolution, limits for each major appropriation bill identified in this Rule. After the Committee adopts the resolution, the limits in the resolution are effective during the regular session in the year in which the resolution is adopted, unless the Committee subsequently adopts different or amended limits for the same fiscal biennium. If the Committee on Finance or the Senate combines two or more major appropriation bills into one bill, the limits in the Committee resolution pertaining to those bills are also combined, and the sum of the combined limits applies to the combined bill.~~

7.2 At least 15 days before the deadline for divisions of the Committee on Finance to act favorably on omnibus appropriations bills, targets for the general fund budget must be publicly announced.

~~7.5~~ 7.3 The major omnibus tax and appropriation bills are:

- (1) the omnibus tax bill;
- (2) the E-12 education appropriations bill;
- (3) the higher education appropriations bill;
- (4) the health and human services appropriations bill;
- (5) the environment, energy, and natural resources appropriations bill;
- (6) the agriculture and veterans appropriations bill;
- (7) the economic development and housing appropriations bill;
- (8) the public safety appropriations bill;
- (9) the judiciary appropriations bill;
- (10) the state government appropriations bill;
- (11) the transportation appropriations bill; and
- (12) the omnibus capital investment bill.

~~A major~~ An omnibus appropriation or tax bill may not be divided.

~~7.6 After the adoption of a resolution by the Senate or by the Committee on Finance, the Committee on Finance and the Committee on Taxes must reconcile each bill recommended by the committee with the resolution or resolutions. When reporting a bill, the committee must certify~~

~~to the Senate that the committee has reconciled the fiscal effect of the bill with the resolution or resolutions and that the bill, as reported by the committee, together with other bills reported and expected to be reported by the committee, does not and will not exceed the limits specified in either resolution.~~

~~7.7 After the adoption of a resolution by the Senate or the Committee on Finance, an amendment to a bill is out of order if it would cause any of the limits specified in either resolution to be exceeded. Whether an amendment is out of order under this Rule is a question to be decided in the Senate by the President and in committee by the committee chair. In making the determination, the presiding officer may consider:~~

- ~~(1) the limits in a resolution;~~
- ~~(2) the effect of existing laws on revenues and appropriations;~~
- ~~(3) the effect of amendments previously adopted to the bill under consideration;~~
- ~~(4) the effect of bills previously recommended by a committee or bills previously passed in the legislative session by the Senate or by the Legislature;~~
- ~~(5) whether appropriation increases or revenue decreases that would result from the amendment are offset by decreases in other appropriations or increases in other revenue specified by the amendment; and~~
- ~~(6) other information reasonably related to appropriation and revenue amounts.~~

7.4 An amendment to an omnibus appropriation or tax bill that is a Senate file is out of order if it will increase net appropriations from a fund for a fiscal biennium, compared to the bill as it was reported to the floor of the Senate, without a corresponding increase in net revenue.

7.5 An amendment to an omnibus appropriation or tax bill that is a Senate file is out of order if it will reduce net revenue to a fund for a fiscal biennium, compared to the bill as it was reported to the floor of the Senate, without a corresponding reduction in net appropriations.

7.6 An amendment to an omnibus appropriation or tax bill that is a Senate file is out of order if it will change appropriations, transfers, or revenues to an agency that was not in the bill as it was reported to the floor of the Senate, or will create or increase the amount of a tax expenditure by reducing appropriations, transfers, or revenues to an agency that was not in the bill as it was reported to the floor of the Senate.

8. CONFIRMATIONS

8.1 Every gubernatorial appointment requiring the advice and consent of the Senate must be referred by the President to the appropriate committee. If a question arises as to the proper committee, the appointment must be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

8.2 An appointment referred to committee and not reported to the Senate within 60 legislative days after it was referred is withdrawn from committee and placed on the confirmation calendar for consideration by the Senate before adjournment of the regular session, unless the appointee's term has expired or the appointee is no longer serving.

8.3 The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question must not be put the same day the appointment is received or on the day it is reported by committee except by unanimous consent. Confirmation of the appointment requires the affirmative vote of a majority of the whole Senate.

9. STANDING COMMITTEES

The standing committees of the Senate are as follows:

Agriculture and Veterans

Business, Industry and Jobs

Capital Investment

Commerce and Consumer Protection

Education

Energy, Utilities, Technology and Communications

Environment and Natural Resources

Finance

Health, Housing and Family Security

Higher Education

Judiciary

Rules and Administration

State and Local Government Operations and Oversight

Taxes

Transportation

10. APPOINTMENTS TO STANDING COMMITTEES

10.1 The majority and minority groups must each be represented on all standing committees of the Senate substantially in proportion to their numbers in the Senate. The majority group shall assign the number of positions the minority group will hold on each committee. The minority group must be given adequate notice of its positions before the session begins.

10.2 Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee and budget division. The minority group shall transmit notice of its assignments to the majority group within 14 calendar days after receipt of the notice of positions available. The minority group may designate a ranking member for each committee. Nothing prohibits a member of the minority group from serving as chair or vice chair of a committee, subcommittee, division, or commission. If the minority group for any reason fails

to make its appointments pursuant to this rule, the majority group may make all the committee and budget division assignments.

10.3 The majority and minority committee assignments are subject to the uniform criteria governing committee assignments applicable to both the majority and minority groups. The uniform criteria must be promulgated by the majority group and transmitted to the minority group together with notification of committee and budget division positions available to the minority.

10.4 The Senate resolution establishing representation on all Senate standing committees must set forth committee assignments as made by the majority and minority groups.

10.5 A member may not serve as the chair of the same standing committee or the same division of a standing committee, or a committee or division with substantially the same jurisdiction, for more than three consecutive Senate terms. This limit does not apply to the Committee on Rules and Administration. This limit applies to time served as a chair in the seventy-eighth legislature and thereafter.

10.6 After the organization of the Senate and after consultation with and the approval of the minority leader, the Chair of the Committee on Rules and Administration may add members to or delete members from a standing committee or division.

11. APPOINTMENTS BY SUBCOMMITTEE ON COMMITTEES

11.1 The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the Committee on Rules and Administration. The subcommittee consists of at least five members, including members of the minority group substantially in proportion to their number in the Senate.

11.2 Unless otherwise provided, the Subcommittee on Committees shall appoint all members of commissions or other bodies authorized to be appointed by the Senate and report the appointments to the Senate.

12. COMMITTEE MEETINGS

12.1 All meetings of the Senate, its committees, committee divisions, and subcommittees are open to the public. A meeting of a caucus of the members of any of those bodies from the same political party need not be open to the public. A caucus of the Hennepin county, Ramsey county, or St. Louis county delegation is open to the public. For purposes of this rule, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body.

12.2 Any person may submit to the Chair of the Committee on Rules and Administration a complaint that members have violated the open meeting requirements of Minnesota Statutes, section 3.055. A member of the Senate may submit the complaint either orally or in writing; others must submit the complaint in writing. Whether the complaint was written or oral, the Chair of the Committee on Rules and Administration shall immediately forward it in writing to the Subcommittee on Ethical Conduct without disclosing the identity of the complainant. The complaint must not be further disclosed without the consent of the complainant, except to the members against whom the complaint was made, unless the complaint was made by a member of the Senate in writing under oath, in which case the investigatory procedures of Rule 55 apply.

12.3 To the extent practical, a committee, subcommittee, or division shall announce each meeting

to the public at least three calendar days before convening. The notice must state the name of the committee, subcommittee, or division, the bill or bills to be considered, and the place and time of meeting. A bill may not be considered on the day it was introduced, except by a vote of two-thirds of the members of the committee, subcommittee, or division. The notice must be posted on the Senate's Web site and on all Senate bulletin boards in the Capitol and the State Office Building. A notice must be sent to the House of Representatives for posting as it deems necessary. If the three-day notice requirement cannot be met, the committee, subcommittee, or division shall give simultaneous notice to all of the known proponents and opponents of the bill as soon as practicable.

12.4 A Senate committee, subcommittee, or division shall adjourn no later than 10:00 p.m. each day, unless two-thirds of the members present vote to suspend this requirement.

12.5 Committees, subcommittees, and divisions may not meet while the Senate is in session without permission of the Senate. The names of the members excused shall be printed in the Journal.

12.6 A majority of its members constitutes a quorum of a committee, subcommittee, or division.

12.7 Each standing committee of the Senate, including a subcommittee or division of the committee, may at any time sit and act, investigate and take testimony on any matter within its jurisdiction, report hearings held by it, and make expenditures as authorized by the Committee on Rules and Administration.

12.8 A standing committee, but not a subcommittee or division, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, in the manner provided by Minnesota Statutes, section 3.153.

12.9 Upon the request of a member of a committee, subcommittee, or division to which a bill has been referred, or upon the request of the chief author of the bill, a record must be made of the vote on the bill or any amendment in the committee, subcommittee, or division.

12.10 Upon request of three members of the committee before the vote is taken, the record of a roll call vote in a standing committee must accompany the committee report and be printed in the Journal.

12.11 A committee report may only be based on action taken at a regular or special meeting of the committee. A report in violation of this rule is out of order.

13. HOUR OF CONVENING

If the Senate adjourns without setting a time to reconvene, the Senate shall convene on the next legislative day at 10:00 a.m.

14. PRESIDENT

14.1 The President shall take the chair at the time to which the Senate adjourned. The President shall immediately call the members to order and, on the appearance of a quorum, shall proceed with the regular order of business.

14.2 The President may call a member to preside. In the absence of the President, the President Pro Tem, the Chair of the Committee on Rules and Administration, or the Chair's designee, shall preside over the Senate. In the absence of the President and the Chair, the Senate may select a

member to perform the duties of the President. Substitutions do not extend beyond adjournment.

14.3 The President shall preserve order and decorum, may speak on points of order in preference to members, and shall also decide all questions of order, subject to an appeal to the Senate by a member.

14.4 An appeal is decided by a majority vote of those present and voting. Upon an appeal from the decision of the President, the question is, "Shall the decision of the President be the judgment of the Senate?"

14.5 The President shall sign all acts, memorials, addresses and resolutions. All writs, warrants, and subpoenas issued by the Senate must be signed by the President and attested by the Secretary.

14.6 Upon a finding by the Committee on Rules and Administration that the President refuses or is unable to sign any of the documents described in this rule, the Chair of the Committee on Rules and Administration, or some other member selected by the committee, shall assume the duties of the President under this rule until the President is able to sign the documents described or until the Senate elects a new President, whichever occurs first.

15. ADMISSION TO SENATE CHAMBER

15.1 The Senate Chamber is reserved for Senate use.

15.2 A person may not be admitted to the Senate Chamber except as provided in these rules. A member, an officer, the constitutional officers, ex-Governors of the State of Minnesota, members of the House, judges of the trial and appellate courts and members of Congress may be admitted.

15.3 Past members of Congress or of the state Legislature who are not interested in any claim or directly in a bill pending before the Legislature may be personally admitted by a member of the Senate.

15.4 An employee of either house may be admitted at the request of a member or an officer of the Senate.

15.5 The head of a department of state government may be admitted by the President.

15.6 A member of another state, provincial, or national legislative body may be admitted to the floor by any member of the Senate. A member of another legislative body who is admitted to the floor may be introduced to the Senate by the President.

15.7 When the Senate is not meeting, a person who is not a member may be admitted to the floor at the request of a member or an officer.

15.8 Public hearings may not be held in the Senate Chamber. The Senate Chamber may not be used for any commercial purpose.

15.9 The Retiring Room of the Senate is reserved for the exclusive use of the members of the Senate at all times. The Sergeant at Arms shall strictly enforce this rule.

15.10 When a member-elect is sworn in, the member-elect may request that one guest be admitted until the member-elect has been sworn in.

16. PRIVILEGE OF REPORTERS

16.1 The Secretary shall provide space for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies that regularly cover the legislature, namely: The Associated Press, St. Paul Pioneer Press, St. Paul Legal Ledger, Star Tribune, Duluth News-Tribune, The Forum, Rochester Post-Bulletin, St. Cloud Times, WCCO radio, KSTP radio, Minnesota Public Radio, and Minnesota News Network. The Secretary shall provide an additional two spaces to other reporters if space is available. One person from each named agency and one person from the Senate Publications Office may be present at the press table on the Senate floor at any time. Other news media personnel may occupy seats provided in the Senate gallery.

16.2 The Secretary shall compile and distribute to the public a directory of reporters accredited to report from the Senate floor. The directory must include each reporter's picture and news organization and a brief biography.

16.3 The Secretary must issue each accredited reporter an identification badge showing the reporter's name and news organization. The reporter must wear the badge when in the Senate Chamber.

17. DECORUM

17.1 In case of a disturbance or disorderly conduct in the lobbies or galleries, the President may order them cleared.

17.2 A member may not introduce a visitor or visitors in the galleries from the floor or rostrum of the Senate.

17.3 Smoking is not permitted in the Senate Chamber or galleries, the Retiring Room, hearing rooms, offices, or other spaces under the control of the Senate.

17.4 During floor proceedings, picture taking by persons other than accredited news or legislative photographers, picture taking with floodlights or flash units, and visual or audible disruptions are prohibited. At all times, demonstrations and food or beverages are prohibited in the Senate Chamber and in the galleries.

17.5 Television recording or broadcasting on the Senate floor is under the direction of the Secretary.

18. ORDER OF BUSINESS

18.1 The order of business is as follows:

1. Petitions, letters, remonstrances.
2. Executive and official communications.
3. Messages from the House of Representatives.
4. First reading of House bills.
5. Reports of committees.
 - (a) From standing committees.
 - (b) From select committees.
6. Second reading of Senate bills.
7. Second reading of House bills.

8. Introduction and first reading of Senate bills.

8-9. Motions and Resolutions.

9-10. Calendar.

10-11. Consent Calendar.

11-12. General Orders.

12. Introduction and first reading of Senate bills.

13. Announcements of Senate interest.

18.2 Under the order of business of Motions and Resolutions, the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

19. PETITIONS AND OTHER COMMUNICATIONS

19.1 In presenting a petition, memorial, remonstrance or other communication addressed to the Senate, a member shall only state the general purpose of it.

19.2 Every petition, memorial, remonstrance, resolution, bill and report of committee, must have an appropriate title, and the name of the member presenting it written on it.

19.3 Every written communication distributed to members in the Senate Chamber must have the name of the member or officer distributing it displayed on it.

20. MESSAGES FROM THE HOUSE

A message from the House of Representatives that a Senate bill has been amended, and the amendment, must be printed and placed on the members' desks before a member may move to concur in the House amendment. If the amendment has been printed in the House Journal for a preceding day and is available to the members, the Journal copy may serve as the printed copy.

21. OBJECTIONS TO COMMITTEE REFERRALS

A member may question the proper reference of a bill at the time the bill is reported by a standing committee to which it was previously referred. When a member questions the reference of a bill, the bill must be referred without debate to the Committee on Rules and Administration to report the proper reference. Upon adoption of the report of the Committee on Rules and Administration, the bill must be referred accordingly.

22. GENERAL ORDERS

22.1 The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate that are referred to the Committee of the Whole and number them. The lists are called the "General Orders".

22.2 Items on General Orders may be taken up in the order in which they are numbered, as ordered by the Chair of the Committee on Rules and Administration, or as otherwise ordered by a majority of the committee.

22.3 General Orders, together with all bills required to be included on it, must be electronically

available or printed at least one calendar day before being considered in Committee of the Whole.

22.4 With the concurrence of the chief author of the bill, a majority of the whole Senate may at any time take a bill from the table and place it on General Orders.

23. COMMITTEE OF THE WHOLE

23.1 All bills, memorials, orders, resolutions and votes requiring the approval of the Governor must, after a second reading, be considered in Committee of the Whole before they are finally acted upon by the Senate, unless considered on the Consent Calendar or as a Special Order.

23.2 The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole.

23.3 The rules observed in the Senate govern, as far as practicable, the proceedings of the Committee of the Whole, and the Chair of the Committee of the Whole has the powers of the President, as appropriate. However, a member may speak more than twice on the same subject and a call for the previous question may not be made.

23.4 Three members may request a roll call vote. The vote must be recorded in the Journal along with the amendment.

23.5 The recommendations of the Committee of the Whole must be reported to the Senate. The question is on the adoption or rejection of the report, and no other question may be admitted. The question may be divided to permit separate Senate action on the report as to any bill.

23.6 On adoption of the report of the Committee of the Whole, all bills recommended to pass must be placed on the Calendar.

24. CALENDAR

24.1 The Secretary shall make a Calendar of all bills, resolutions and other matters approved by the Committee of the Whole for final action. The Secretary shall place them on the Calendar in the order in which they have been acted upon in Committee of the Whole.

24.2 The Calendar must be electronically available or printed at least one calendar day before the matters on it are considered.

25. CONSENT CALENDAR

25.1 If a committee determines that a bill it recommends to pass is not likely to be opposed, the committee may recommend that the bill be placed on the Consent Calendar. If the committee report is adopted, the bill must be electronically available or printed and placed on the Consent Calendar after its second reading. On the question of adoption of the report, the question of accepting the recommendation that the bill be placed on the Consent Calendar may be divided from the question of adopting the report in other respects.

25.2 A majority of the whole Senate, or the Chair of the Committee on Rules and Administration, may order a bill on General Orders placed on the Consent Calendar.

25.3 The Consent Calendar must be electronically available or printed at least one calendar day before the matters on it are considered.

25.4 If a member objects to consideration of a bill on the Consent Calendar at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill is referred to the Committee of the Whole, and the Secretary shall place it at the bottom of General Orders subject to Rule 22.2, except that it need not lie over one calendar day before consideration in the Committee of the Whole.

26. SPECIAL ORDERS

26.1 The Chair of the Committee on Rules and Administration, or the Chair's designee, may designate a special order for a bill that has been given its second reading.

26.2 A special order may provide that the bill be considered immediately, at a time certain, or after specific other business is completed.

26.3 During consideration of a special order, Rule 36.5 is suspended.

26.4 As nearly as applicable, debate on the bill and all proceedings including amendments and substitutions must be conducted as in the Committee of the Whole.

26.5 On any question, a member may request a roll call vote, which must be entered in the Journal.

26.6 Unless it is otherwise disposed of, after consideration a bill on Special Orders must immediately proceed to its third reading and final passage.

26.7 A bill may not be made a special order if the chief author has declined on three previous occasions to take the bill up after it was designated a special order.

27. MOTIONS

27.1 A motion or amendment must be written if a member requests. It must identify the member or committee offering it.

27.2 When a motion is made, it must be stated by the President. If it is in writing, it must be handed to the Secretary and read to the members.

27.3 After a motion is stated by the President, or read by the Secretary, it is in possession of the Senate, but may be withdrawn by the author at any time before decision or amendment.

28. PRECEDENCE OF MOTIONS

28.1 When a question is under debate no motion may be made, except:

1. To adjourn.
2. To recess.
3. To reconsider.
4. To lay on the table.
5. For the previous question.
6. To refer.
7. To postpone to a day certain.

8. To amend.
9. To postpone indefinitely.

28.2 Motions numbered 1, 2, 4 and 5 above are not debatable.

28.3 These motions have precedence in the foregoing order; but when a motion for the previous question has been made, or the main question ordered, a motion to lay on the table is not in order.

28.4 A motion to postpone to a day certain, to refer, to postpone indefinitely, or to amend, having been decided, may not again be put on the same day, nor at the same stage of the bill or proposition.

29. MOTION TO ADJOURN

A motion to adjourn or a motion to adjourn to a time certain is always in order. The latter motion is debatable solely as to the time. When either motion is rejected, it may not be renewed until further business has been transacted.

30. MOTION TO RECONSIDER

30.1 When a motion or question has been decided, a member who voted with the prevailing side may move for reconsideration on the same day on which the vote was taken or within the next two calendar days or, if later, the first day the Senate meets after the vote was taken. The motion takes precedence over all other questions except a motion to adjourn or recess. When a motion to adjourn is adopted before the disposition of the motion for reconsideration, a motion for reconsideration must lie over until the next succeeding day the Senate meets except as provided in this rule.

30.2 When notice of intent to move reconsideration of the final action of the Senate on a question is given by a member, the Secretary shall retain the subject of the notice until after the expiration of the time during which the motion can be made.

30.3 A notice of intent to move for reconsideration is not in order after the Tuesday before the third Saturday in May, but a motion to reconsider may be made.

30.4 A motion for reconsideration having been once voted on may not be made again nor reconsidered.

31. MOTION FOR THE PREVIOUS QUESTION

31.1 Unless a motion for the previous question is made specifically applicable to a subsidiary motion, it must be in this form: "Shall the main question now be put?" If the motion for the previous question is supported by a majority of the members present, its effect is to put an end to all debate and bring the Senate to a direct vote upon all pending amendments in their order and then upon the main question.

31.2 On a motion for the previous question, a call of the Senate is in order before the President submits the question to the Senate.

31.3 On a motion for the previous question there is no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending the motion, must be decided,

whether on appeal or otherwise, without debate.

32. MOTION TO REFER

A bill or resolution may be referred to committee at any time before its passage. If an amendment is reported on the referral to any committee other than the Committee of the Whole, it must again be read the second time, considered in Committee of the Whole, read the third time and placed on final passage. If the referral is to the Committee of the Whole it must be placed at the head of General Orders, except when the referral is from the Consent Calendar under Rule 25.4.

33. MOTION TO AMEND BILL OR RESOLUTION

33.1 A motion to amend must be written if a member requests. It must identify the member offering it.

33.2 In drawing an amendment to a bill or resolution, reference must be made, first to the number of the bill, then to the page, and then to the line or lines where language is to be stricken or inserted.

33.3 In filling blanks, the largest sum, the longest time and the greatest distance must be first taken.

33.4 The title to a bill may be amended by the Secretary at any time the bill is amended by the Senate.

33.5 An amendment is not in order to a bill on the Calendar or after third reading without the unanimous consent of the Senate unless it fills a blank, amends the title, is proposed to the chief author of the bill by the Revisor of Statutes to correct technical defects found by the Revisor while engrossing earlier amendments to the bill, or is proposed to a bill on the Consent Calendar before the bill is given its third reading.

34. MOTION TO SUSPEND RULES

34.1 A rule may be suspended by a vote of at least two-thirds of the whole Senate.

34.2 A motion to suspend the rules for the purpose of advancing a bill may be made only under the order of business, "Motions and Resolutions".

35. GERMANENESS

35.1 An amendment proposed to the Senate or to the Committee of the Whole that is not germane is out of order.

35.2 A non-germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose, than that of the original bill to which it is proposed.

35.3 An amendment to insert a constitutional amendment is not germane to a bill that does not already include a constitutional amendment.

35.4 Whether an amendment is germane is to be decided by the President, who may put the question to the body if the President chooses.

35.5 A motion to remove an amendment placed on a House bill under Rule 45.1 is out of order if removal of the amendment would make a portion of the House bill not germane to the Senate companion for which it was substituted.

35.6 If a House amendment to a Senate bill is not germane to the Senate bill, a motion to concur in the House amendment is out of order.

36. DEBATE

36.1 When a member is about to speak to the Senate, the member shall rise and respectfully address "Mr. (or Madam) President." The member may not proceed to speak further until recognized by the President.

36.2 The member shall speak only to the question under debate and avoid personality.

36.3 The member may inform the Senate of the Governor's position on a bill and on its status in the House of Representatives.

36.4 In discussing a resolution, each member is limited to ten minutes.

36.5 A member may not speak more than twice on the same question on the same day without permission of the Senate.

36.6 When a member is speaking, no one may stand between the member speaking and the President.

36.7 A member may not speak without using a microphone.

36.8 All remarks during debate shall be addressed to the President.

36.9 When the President puts a question, or addresses the Senate, no one may walk out of or cross the Chamber.

36.10 When a member is called to order, the member shall be silent until it is determined whether or not the member is in order. If a member is called to order for words spoken in debate, the words excepted to must be taken down in writing by the Secretary immediately.

37. ABSENCE OF MEMBERS

A member or officer of the Senate may not be absent from a session of the Senate unless excused by the Senate. The name of a member excused must be printed in the Journal.

38. CALL OF THE SENATE

38.1 A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn.

38.2 Upon the imposition of a call, a member may request a record of those present and the

Sergeant at Arms shall bring in the absent members.

38.3 When the Senate has been placed under call, a member may demand that the doors be closed and that no member be permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call is disposed of, or until the call is lifted by a majority of the whole Senate, or until the Senate adjourns.

38.4 A majority of the whole Senate may excuse members not answering the call.

38.5 A call may not be imposed after voting has commenced.

39. DIVISION OF QUESTION

39.1 A member may call for a division of the question when the division is possible. A motion to strike and insert is indivisible.

39.2 The defeat of a motion to strike does not preclude an amendment nor a motion to strike and insert.

40. VOTING

40.1 The President shall distinctly state the question before taking the vote. The President shall declare the result of the vote. If a member questions the result of a vote, the President shall order a division.

40.2 A member may vote on a question or be counted on a division only at the member's own seat in the Senate Chamber.

40.3 At any time before the start of voting on a question, a member may request a roll call vote, which must be entered in the Journal.

40.4 Unless otherwise ordered, a roll call vote, except upon elections, may be taken by means of the electrical voting system under the control of the President.

40.5 A roll call vote may not be interrupted except to close the roll as provided in Rule 41.3.

40.6 A member or other person may not proceed to or remain by the Secretary's desk while a roll call or division is being taken.

41. MEMBERS TO VOTE UNLESS EXCUSED

41.1 Every member who is in the Senate Chamber during a roll call, including in the Committee of the Whole, shall vote upon the request of another member unless excused by the Senate.

41.2 A motion by a member to be excused from voting must be made before the question is put. A member wishing to be excused from voting may make a brief statement of the reason for making the request. The question on the motion to excuse must be taken without further debate.

41.3 When members have had an opportunity to vote and fail to do so, a majority of the whole Senate may, by motion, direct the President to close the roll.

41.4 The vote on a motion to close the roll must be taken without debate. No member is required

to vote on the motion.

42. FINAL PASSAGE

The final question on a bill or other matter requiring action by both Houses after its first and second reading, and after the consideration in Committee of the Whole, is on its final passage.

43. TRANSMITTING BILLS TO THE HOUSE

43.1 Except when a motion to reconsider has been made as provided in Rule 30, immediately after the passage of a bill or other matter in which the concurrence of the House of Representatives is requested, the Secretary shall transmit it to the House.

43.2 On the concurrence of a bill or other matter of the House by the Senate, or on the concurrence or disagreement in a vote of the House, the Secretary shall notify the House.

44. ENGROSSING AND ENROLLING OF BILLS

44.1 The Secretary and the Engrossing Secretary shall ensure that every bill, memorial, or resolution originating in the Senate is carefully engrossed before it is transmitted to the House of Representatives for concurrence.

All engrossing and enrolling of bills shall be done at the direction and under authority of the Senate.

44.2 The Secretary shall ensure that every bill, memorial, or resolution originating in the Senate is carefully enrolled by the Revisor of Statutes before it is presented to the Governor or filed with the Secretary of State.

45. COMPARISON AND SUBSTITUTION OF BILLS

45.1 A House bill, after its first reading, must be referred as follows, unless there is a motion by the Chair of the Committee on Rules and Administration or a designee of the Chair:

(a) If there is no Senate companion bill, the House bill must be referred to the appropriate standing committee, unless there is objection under Rule 4.10.

(b) If there is a Senate companion bill, the House bill must be referred to the standing committee possessing the Senate companion.

(c) If the Senate companion bill has been reported to the Senate, the House bill must be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill. If the bills are identical, the report must recommend that the House bill be given its second reading and substituted for the Senate companion bill and the Senate companion bill be indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee must recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended must be given its second reading and substituted for the Senate companion bill and the Senate companion bill must be indefinitely postponed.

45.2 The Secretary shall prepare and submit reports under this rule on behalf of the Committee on Rules and Administration.

45.3 A House bill placed on the Calendar by substitution must not be given its third reading on the same day as the substitution.

46. CONFERENCE COMMITTEES

46.1 The Committee on Rules and Administration may constitute a standing Subcommittee on Conference Committees, the report of which within its jurisdiction has the effect of a report of the Committee on Rules and Administration. The subcommittee consists of three members, one of whom must be a member of the minority group.

46.2 The Subcommittee on Conference Committees shall appoint all conference committees of the Senate and report the appointments to the Senate. In the appointment of members of conference committees between the two houses, the Subcommittee on Conference Committees shall appoint those who are in accord with the position of the Senate. Whenever practical, the subcommittee shall give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

47. DISPOSITION OF BILLS ON ADJOURNMENT

Adjournment of the regular session in an odd-numbered year to a date certain in the following year is equivalent to daily adjournment, except that a bill on the Calendar, Consent Calendar, General Orders, or table, other than a bill laid on the table after being vetoed by the governor or after its conference committee has been discharged under Joint Rule 3.02, must be returned to the standing committee other than the Committee on Rules and Administration from which it was last reported to the Senate, unless otherwise provided for by motion before adjournment. Bills returned to committee under this rule must, upon request of the chief author, be given priority for consideration by the committee in the even-numbered year ahead of all other bills in the order in which they appeared on the Calendar, Consent Calendar, or General Orders.

48. PRINTING AND DISTRIBUTION OF BILLS

48.1 Unless otherwise ordered by the Senate, all Senate bills that have been reported upon favorably or without recommendation by a committee must be electronically available or printed before consideration by the Senate or the Committee of the Whole.

48.2 A House bill amended by the Senate must be unofficially engrossed and electronically available or printed when placed on General Orders.

48.3 A bill may be electronically available or printed by order of the Secretary when amended after second reading.

48.4 A bill must be electronically available or printed when ordered by the Senate.

48.5 Action by the Senate on a bill that has not been printed is a waiver of the printing requirement.

48.6 To the extent practical, the Secretary shall provide a copy of any bill to the public and may charge a reasonable fee.

49. JOURNAL AND INDEX

49.1 The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform other duties assigned to the Secretary.

49.2 The Secretary shall not permit Journal records, accounts or papers to be taken out of the Secretary's custody, other than in the regular mode of business. If a document in the Secretary's charge is missing, the Secretary shall report the fact to the President, so that inquiry may be made.

49.3 The Secretary shall supervise the recording of proceedings in the Journal, the engrossing, transcribing and copying of bills and resolutions, and generally perform the duties of Secretary, under direction of the Committee on Rules and Administration.

49.4 The Journal of each day's proceedings is open for correction at any time during the session of the next day the Senate meets. Unless corrected on that day, the Journal stands approved.

49.5 The Secretary shall keep a record of all Senate and House bills showing the status of each bill pending, until its final passage.

50. ELECTRONIC RECORDINGS

50.1 The Secretary shall cause to be recorded on electronic media the proceedings of the Senate, the Committee of the Whole, and each standing committee, subcommittee, and division. Each electronic record must be clearly labeled to show the name of the body whose proceedings are recorded and the dates the proceedings occurred. Each electronic record of the proceedings of the Senate and the Committee of the Whole must be accompanied by a log showing the number of each bill considered and the places on the record where consideration of the bill occurred.

50.2 Within two working days after each Senate session, the Secretary shall make a copy of the electronic record and corresponding log of proceedings of the Senate and the Committee of the Whole available to the Legislative Reference Library.

50.3 Within one week after each meeting of a standing committee, subcommittee, or division, the Secretary shall make the electronic record of the meeting available to the Legislative Reference Library, together with an agenda showing bills considered and any action taken on them.

50.4 Upon completion and approval of the minutes of the meeting, the Secretary shall promptly deliver a copy of the minutes to the Legislative Reference Library.

50.5 The Secretary shall keep a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee, subcommittee, or division and the date on which the electronic record of the session or meeting was made available to the Legislative Reference Library. The Library shall keep a similar record of all electronic records to which it has been given access.

50.6 The Library shall provide committee staff with reasonable access to Senate electronic records and shall provide the public with convenient facilities to listen to them.

50.7 The Secretary shall make copies of Senate electronic records available to the public for a fee determined by the Secretary to be adequate to cover the cost of preparing the copies. A copy must be provided free to a member of the Senate upon request for use in legislative business.

50.8 The Secretary shall keep the original electronic record and log of each session of the Senate and the Committee of the Whole until the end of the period for which the members of the existing House of Representatives have been elected, at which time the electronic record may be preserved or disposed of as the Secretary sees fit. The Legislative Reference Library shall keep electronic records, logs, and minutes forwarded to it until two years after the end of the period for which the members of the existing Senate have been elected, at which time they may be preserved or disposed of as the Library sees fit.

50.9 The Senate intends that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.

51. OTHER DUTIES OF SECRETARY

51.1 The Secretary shall not issue a certificate authorizing the payment of money by virtue of a motion or resolution, unless the motion or resolution is voted for by a majority of the whole Senate on a roll call vote.

51.2 The Secretary and the Engrossing Secretary shall correct all mistakes in numbering the sections and reference to them, whether the errors occur in the original bill or are caused by amendments to it.

51.3 The Secretary is the agent of the Senate for the purchase of supplies and services. The Secretary's records on purchase of supplies and services are open for inspection.

51.4 The Secretary shall adopt administrative controls to ensure that each member is accountable for the member's own long distance telephone calls and that Senate telephones are used only for Senate business.

51.5 By the 15th day of April, July, October, and January of each year, the Secretary shall submit a detailed report of Senate expenditures during the previous quarter to the Committee on Rules and Administration.

51.6 The Secretary's public records may be inspected during normal business hours.

52. SERGEANT AT ARMS

The Sergeant at Arms shall execute all orders of the President and perform all assigned duties connected with the police and good order of the Senate Chamber; exercise supervision over the entry and exit of all persons to and from the Chamber; see that messages are promptly delivered; see that the hall is properly ventilated and the temperature is properly regulated, and that the Chamber is open for the use of members of the Senate at least one-half hour before the start of a session; and perform all other services pertaining to the office of Sergeant.

53. BUDGET AND EXPENDITURES

53.1 The Committee on Rules and Administration shall adopt an operating budget for the Senate and post it on the Senate Web site.

53.2 All propositions for the appointment and payment of employees of the Senate or for expenditures of the Legislature, other than those provided by law, must be referred without debate to the Committee on Rules and Administration.

54. EMPLOYEES

54.1 The Committee on Rules and Administration shall establish positions, set compensation, appoint employees, and authorize expense reimbursement for employees as it deems necessary to carry out the work of the Senate. At the request of any committee member, an action of the committee must be submitted as a Senate resolution for adoption by the Senate.

54.2 The Secretary shall keep a roster of all employees of the Senate, including positions and compensation, which must be open for inspection by the public.

54.3 The Secretary shall post, in a public place in the Capitol, a notice of every vacant position on the permanent staff of the Senate. The notice must remain posted for at least two weeks, and no vacancy may be filled until the period of posting has elapsed.

54.4 Except as otherwise provided in these rules, the Committee on Rules and Administration has full and exclusive authority over, and charge of all employees of the Senate both elected and appointed. The committee has the sole and exclusive power and authority to assign them to duties other than for which they were elected or appointed as the committee may provide.

54.5 The committee may make employment rules and regulations. In case of violation of an order of the committee by an employee, or in case of a violation of a rule or regulation made by the committee, or in case of misconduct or omission by an employee, the Committee on Rules and Administration may hear complaints and discharge the employee or impose discipline, a fine, or other punishment upon the employee.

54.6 The Secretary shall supervise the employees under the direction of the Committee on Rules and Administration.

54.7 Until the election by the Senate of a single Secretary of the Senate, the Committee on Rules and Administration shall allocate the duties of the Secretary of the Senate between two individuals: the Secretary of the Senate (Legislative) and the Secretary of the Senate (Administrative).

55. SUBCOMMITTEE ON ETHICAL CONDUCT

55.1 The Subcommittee on Committees shall appoint a Subcommittee on Ethical Conduct of the Committee on Rules and Administration consisting of four members, two from the majority group and two from the minority group.

55.2 The subcommittee shall serve in an advisory capacity to a member or employee upon written request and shall issue recommendations to the member or employee. A member may request the subcommittee to provide its advice on a potential conflict of interest to the member in private. If

so requested, the subcommittee shall conduct its proceedings on the advisory opinion in private. The request, proceedings on the request, and any advice given by the subcommittee in response to the request must remain private. The member may not use an advisory opinion from the subcommittee as a defense to a complaint under this rule unless the opinion has been adopted by the subcommittee at a public meeting.

55.3 The subcommittee shall investigate a complaint by a member of the Senate in writing under oath received before adjournment sine die in the last year of a senate term or during a special session held after that time regarding improper conduct by a member or employee of the Senate. The subcommittee has the powers of a standing committee to issue subpoenas under Minnesota Statutes, section 3.153.

55.4 Within 30 days after receiving a complaint, the subcommittee must meet and either make a finding of no probable cause, vote to defer action until a certain time, or proceed with its investigation.

55.5 In order to determine whether there is probable cause to believe that improper conduct has occurred, the subcommittee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the open meeting requirements of Rules 12.1 to 12.3 do not apply. The executive session may be ordered by a vote of three of its members whenever the subcommittee determines that matters relating to probable cause are likely to be discussed. The executive session must be limited to matters relating to probable cause. Upon a finding of probable cause, further proceedings on the complaint are open to the public.

55.6 The subcommittee may appoint special counsel to provide expert advice on how to conduct its proceedings. The subcommittee may appoint a suitable person to conduct the investigation and report findings of fact and recommendations for action to the subcommittee.

55.7 If, after investigation, the subcommittee finds the complaint substantiated by the evidence, it shall recommend to the Committee on Rules and Administration appropriate disciplinary action.

55.8 To minimize disruption of its public proceedings, the subcommittee may require that television coverage be pooled or be provided by Senate media services.

55.9 If criminal proceedings relating to the same conduct have begun, the subcommittee may defer its proceedings until the criminal proceedings have been completed.

55.10 The Senate intends that proceedings of the Subcommittee on Ethical Conduct not be admissible in any criminal proceeding.

56. STANDARDS OF ETHICAL CONDUCT

56.1 Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.

56.2 A member shall not publish or distribute written material if the member knows or has reason to know that the material includes any statement that is false or clearly misleading, concerning a public policy issue or concerning the member's or another member's voting record or position on a public policy issue.

56.3 Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute.

57. CONFLICTS OF INTEREST

A member who in the discharge of senatorial duties would be required to take an action or make a decision that would substantially affect the member's financial interests or those of an associated business, unless the effect on the member is no greater than on others in the member's business classification, profession, or occupation, shall disclose the potential conflict of interest by following the procedure set forth in Minnesota Statutes, section 10A.07.

58. LOBBYISTS

58.1 A lobbyist shall not appear before a Senate committee pursuant to the lobbyist's employment unless the lobbyist is in compliance with the law requiring lobbyist registration, Minnesota Statutes, sections 10A.03 to 10A.06. A lobbyist, when appearing before a committee, shall disclose to the committee on whose behalf the lobbyist speaks and the purpose of the lobbyist's appearance.

58.2 A lobbyist shall not knowingly, either directly or through a third party, furnish false or misleading information or make a false or misleading statement that is relevant and material to a matter before the Senate or any of its committees when the lobbyist knows or should know it will influence the judgment or action of the Senate or any of its committees, subcommittees, or divisions.

58.3 The Subcommittee on Ethical Conduct shall investigate a complaint by a member of the Senate in writing under oath received before adjournment sine die in the last year of a Senate term or during a special session held after that time that a lobbyist has violated Rule 58.1 or 58.2. The investigatory procedures of Rule 55 apply, except as provided in this rule. The complaint and proceedings on the complaint are private until the subcommittee has found probable cause to believe that a violation of Rule 58.1 or 58.2 has occurred, unless they are made public by the lobbyist whose conduct is the subject of the complaint or by the vote of at least three members of the subcommittee.

59. AMENDMENTS TO RULES

Every proposition to amend a rule of the Senate must be referred to the Committee on Rules and Administration. The proposition may not be acted upon until the report of the committee is received by the Senate.

Senator Senjem moved to amend Senate Resolution No. 65 as follows:

Page 4, delete lines 17 to 19 and insert:

"7.2 Within 14 days after the last state general fund revenue and expenditure forecast for the next fiscal biennium becomes available during the regular session in the odd-numbered year, the Senate must adopt a resolution setting the targets for omnibus appropriation bills."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 43, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Limmer moved to amend the Senate Resolution No. 65 as follows:

Page 8, line 12, strike "To the extent practical," and insert "Except during the 14-day period preceding the day set in the Constitution for the end of each year's session,"

Page 8, line 19, after "met" insert "during the 14-day period preceding the day set in the Constitution for the end of each year's session"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 41, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Jungbauer	Olson, M.	Vandever
Dille	Gimse	Koch	Pariseau	
Erickson Ropes	Hann	Koering	Robling	
Fischbach	Ingebrigtsen	Limmer	Rosen	
Frederickson	Johnson	Michel	Senjem	

Those who voted in the negative were:

Anderson	Dibble	Lynch	Rummel	Stumpf
Bakk	Doll	Marty	Saltzman	Tomassoni
Berglin	Fobbe	Metzen	Saxhaug	Torres Ray
Betzold	Foley	Murphy	Scheid	Vickerman
Bonoff	Higgins	Olseen	Sheran	Wiger
Carlson	Kelash	Pappas	Sieben	
Chaudhary	Kubly	Pogemiller	Skoe	
Clark	Langseth	Prettner Solon	Skogen	
Cohen	Lourey	Rest	Sparks	

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

Senator Vandever moved to amend Senate Resolution No. 65 as follows:

Page 23, after line 22, insert:

"53.3 Per diem payments must not be made for any day during the interim or after adjournment of the legislature sine die, except for days when the Senator who claims the per diem payment attended a meeting of a Senate committee, subcommittee, division, or a task force or commission to which the Senator is appointed pursuant to action by the legislature."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Koch	Pariseau	Sieben
Dille	Gimse	Koering	Robling	Skogen
Erickson Ropes	Hann	Limmer	Rosen	Sparks
Fischbach	Ingebrigtsen	Michel	Saltzman	Vandevveer
Fobbe	Johnson	Olseen	Senjem	
Frederickson	Jungbauer	Olson, M.	Sheran	

Those who voted in the negative were:

Anderson	Clark	Kelash	Murphy	Scheid
Bakk	Cohen	Kubly	Pappas	Skoe
Berglin	Dahle	Langseth	Pogemiller	Stumpf
Betzold	Dibble	Lourey	Prettner Solon	Tomassoni
Bonoff	Doll	Lynch	Rest	Torres Ray
Carlson	Foley	Marty	Rummel	Vickerman
Chaudhary	Higgins	Metzen	Saxhaug	Wiger

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

CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on Senate Resolution No. 65. The Sergeant at Arms was instructed to bring in the absent members.

Senator Gerlach moved to amend the Senate Resolution No. 65 as follows:

Page 20, line 20, after "46.2" insert "Except as provided in Rule 46.3,"

Page 20, after line 25, insert:

"46.3 Notwithstanding any provision of Rule 46.2, at least one member of each conference committee must be selected by the leader of the minority group."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 41, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Jungbauer	Olson, G.	Senjem
Dille	Gimse	Koch	Olson, M.	Sheran
Erickson Ropes	Hann	Koering	Pariseau	Vandevveer
Fischbach	Ingebrigtsen	Limmer	Robling	
Frederickson	Johnson	Michel	Rosen	

Those who voted in the negative were:

Anderson	Bakk	Berglin	Betzold	Bonoff
----------	------	---------	---------	--------

Carlson	Foley	Metzen	Saltzman	Tomassoni
Chaudhary	Higgins	Murphy	Saxhaug	Torres Ray
Clark	Kelash	Olseen	Scheid	Vickerman
Cohen	Kubly	Pappas	Sieben	Wiger
Dahle	Langseth	Pogemiller	Skoe	
Dibble	Lourey	Prettner Solon	Skogen	
Doll	Lynch	Rest	Sparks	
Fobbe	Marty	Rummel	Stumpf	

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

Senator Hann moved to amend Senate Resolution No. 65 as follows:

Page 23, after line 22, insert:

"53.3 The total amount of the operating budget of the Senate must be divided between and allocated to the majority and minority groups to be expended as determined by the group to which it is allocated, with each group providing a portion of its allocation to meet the expense of conducting the nonpartisan operation of the Senate as it deems appropriate."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Jungbauer	Olson, G.	Sheran
Dille	Gimse	Koch	Pariseau	Vandevveer
Erickson Ropes	Hann	Koering	Robling	
Fischbach	Ingebrigtsen	Limmer	Rosen	
Frederickson	Johnson	Michel	Senjem	

Those who voted in the negative were:

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

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

Senator Ingebrigtsen moved to amend the Senate Resolution No. 65 as follows:

Page 24, line 31, strike "30" and insert "seven"

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

Senator Michel moved to amend Senate Resolution No. 65 as follows:

Page 23, after line 22, insert:

"53.3 If any of the omnibus appropriation bills specified in Rule 7 are not enacted into law by the constitutional deadline set for adjournment in the odd-numbered year, no member may receive per diem payments for any special session of the legislature called to enact any of the omnibus appropriation bills."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 38, as follows:

Those who voted in the affirmative were:

Carlson	Gimse	Koch	Pariseau	Sheran
Dille	Hann	Koering	Robling	Sieben
Erickson Ropes	Ingebrigtsen	Michel	Rosen	Vandever
Fischbach	Johnson	Olson, G.	Saltzman	
Gerlach	Jungbauer	Olson, M.	Senjem	

Those who voted in the negative were:

Anderson	Dahle	Kubly	Pogemiller	Sparks
Bakk	Dibble	Lourey	Prettner Solon	Stumpf
Berglin	Doll	Lynch	Rest	Tomassoni
Betzold	Fobbe	Marty	Rummel	Torres Ray
Bonoff	Foley	Metzen	Saxhaug	Vickerman
Chaudhary	Frederickson	Murphy	Scheid	Wiger
Clark	Higgins	Olseen	Skoe	
Cohen	Kelash	Pappas	Skogen	

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

Senator Gerlach moved to amend the Senate Resolution No. 65 as follows:

Page 20, line 20, after "46.2" insert "Except as provided in Rule 46.3,"

Page 20, after line 25, insert:

"46.3 Notwithstanding any provision of Rule 46.2, at least one member of each conference committee shall be a member of the minority group."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 37, as follows:

Those who voted in the affirmative were:

Bonoff	Gerlach	Jungbauer	Murphy	Saltzman
Dille	Gimse	Koch	Olson, G.	Senjem
Erickson Ropes	Hann	Koering	Pariseau	Sheran
Fischbach	Ingebrigtsen	Limmer	Robling	Vandever
Frederickson	Johnson	Michel	Rosen	

Those who voted in the negative were:

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

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

Senator Vandever moved to amend Senate Resolution No. 65 as follows:

Page 3, after line 17, insert:

"6.5 Rules 6.3 and 6.4 do not apply to a resolution relating to the compensation of a member of the Senate."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 40, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Jungbauer	Olson, G.	Senjem
Dille	Gimse	Koch	Olson, M.	
Erickson Ropes	Hann	Koering	Pariseau	
Fischbach	Ingebrigtsen	Limmer	Robling	
Frederickson	Johnson	Michel	Rosen	

Those who voted in the negative were:

Anderson	Cohen	Kubly	Pappas	Skoe
Bakk	Dahle	Langseth	Pogemiller	Skogen
Berglin	Dibble	Lourey	Rest	Sparks
Betzold	Doll	Lynch	Saltzman	Stumpf
Bonoff	Fobbe	Marty	Saxhaug	Tomassoni
Carlson	Foley	Metzen	Scheid	Torres Ray
Chaudhary	Higgins	Murphy	Sheran	Vickerman
Clark	Kelash	Olseen	Sieben	Wiger

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

Senator Hann moved to amend Senate Resolution No. 65 as follows:

Page 23, after line 22, insert:

"53.3 Eligibility for, or the amount of, any payment to a member for any purpose, including compensation, per diem, or expense reimbursements, may not depend upon or vary because of the member's vote on any issue in the Senate or a Senate committee."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Limmer	Robling
Bonoff	Frederickson	Johnson	Michel	Rosen
Day	Gerlach	Jungbauer	Olson, G.	Senjem
Dille	Gimse	Koch	Olson, M.	Sheran
Erickson Ropes	Hann	Koering	Pappas	Vandever

Those who voted in the negative were:

Bakk	Dibble	Lourey	Rest	Sparks
Berglin	Doll	Lynch	Rummel	Stumpf
Betzold	Fobbe	Marty	Saltzman	Tomassoni
Carlson	Foley	Metzen	Saxhaug	Torres Ray
Chaudhary	Higgins	Murphy	Scheid	Vickerman
Clark	Kelash	Olseen	Sieben	Wiger
Cohen	Kubly	Pogemiller	Skoe	
Dahle	Langseth	Prettner Solon	Skogen	

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

Senator Vandever moved to amend Senate Resolution No. 65 as follows:

Page 26, after line 20, insert:

"60. TEMPORARY PER DIEM REDUCTION

During the sessions of the 86th Legislature after March 30, 2009, only, the per diem living expense for members of the Senate is reduced to \$66."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 52, as follows:

Those who voted in the affirmative were:

Erickson Ropes	Gerlach	Koch	Pariseau	Sheran
Fischbach	Hann	Michel	Senjem	Vandevveer

Those who voted in the negative were:

Anderson	Dibble	Koering	Olson, M.	Sieben
Bakk	Dille	Kubly	Pappas	Skoe
Berglin	Doll	Langseth	Pogemiller	Skogen
Betzold	Foley	Limmer	Prettner Solon	Stumpf
Bonoff	Frederickson	Lourey	Rest	Tomassoni
Carlson	Gimse	Lynch	Robling	Torres Ray
Chaudhary	Higgins	Marty	Rosen	Vickerman
Clark	Ingebrigtsen	Metzen	Rummel	Wiger
Cohen	Johnson	Murphy	Saltzman	
Dahle	Jungbauer	Olseen	Saxhaug	
Day	Kelash	Olson, G.	Scheid	

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

Senator Senjem moved to amend Senate Resolution No. 65 as follows:

Page 5, delete lines 24 to 32

Page 6, delete lines 1 and 2

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 42, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Pariseau	Vandevveer
Erickson Ropes	Hann	Koering	Robling	
Fischbach	Ingebrigtsen	Limmer	Rosen	
Frederickson	Johnson	Michel	Senjem	
Gerlach	Jungbauer	Olson, G.	Sparks	

Those who voted in the negative were:

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

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

Senator Pogemiller moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 44 and nays 20, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Betzold introduced—

S.F. No. 1939: A bill for an act relating to civil actions; modifying the interest rate on certain judgments and awards; amending Minnesota Statutes 2008, section 549.09, subdivision 1.

Referred to the Committee on Judiciary.

Senator Anderson introduced—

S.F. No. 1940: A bill for an act relating to environment finance; requiring the Pollution Control Agency to recover costs for permits and certifications; requiring a project proposer to pay for costs of preparing environmental assessment worksheet; amending Minnesota Statutes 2008, sections 115.77, subdivision 1; 116.07, subdivision 4d; 116.41, subdivision 2; 116C.834, subdivision 1; 116D.045.

Referred to the Committee on Environment and Natural Resources.

Senator Gimse introduced–

S.F. No. 1941: A bill for an act relating to liquor; clarifying on-sale event license requirement; amending Minnesota Statutes 2008, section 340A.404, subdivision 4.

Referred to the Committee on Commerce and Consumer Protection.

Senator Rummel introduced–

S.F. No. 1942: A bill for an act relating to energy improvements; appropriating money for solar-generated energy power equipment.

Referred to the Committee on Finance.

Senator Kubly introduced–

S.F. No. 1943: A bill for an act relating to agriculture; creating a commission on local foods; requiring a report.

Referred to the Committee on Agriculture and Veterans.

Senators Carlson, Gerlach, Metzen, Dille and Pariseau introduced–

S.F. No. 1944: A bill for an act relating to waters; appropriating money for water quality at the Minnesota Zoo.

Referred to the Committee on Finance.

Senator Jungbauer introduced–

S.F. No. 1945: A bill for an act relating to transportation; appropriating money for local match for adding a lane to a portion of Trunk Highway 10 in Anoka County.

Referred to the Committee on Finance.

Senator Jungbauer introduced–

S.F. No. 1946: A bill for an act relating to higher education; requiring the Board of Trustees of MnSCU to implement a policy on credit transfers; requiring a report to the legislature.

Referred to the Committee on Higher Education.

Senator Jungbauer introduced–

S.F. No. 1947: A bill for an act relating to education finance; indexing equalizing factors for the debt service and referendum equalization aid programs; amending Minnesota Statutes 2008, sections 123B.53, subdivisions 4, 5; 126C.01, by adding subdivisions; 126C.17, subdivision 6.

Referred to the Committee on Finance.

Senator Jungbauer introduced—

S.F. No. 1948: A bill for an act relating to transportation; requiring feasibility study on extending commuter rail service between Minneapolis and St. Paul.

Referred to the Committee on Transportation.

Senator Jungbauer introduced—

S.F. No. 1949: A bill for an act relating to transportation; requiring certain striping on Trunk Highway 47.

Referred to the Committee on Transportation.

Senator Jungbauer introduced—

S.F. No. 1950: A bill for an act relating to transportation; authorizing county maintenance on Trunk Highway 47.

Referred to the Committee on Transportation.

Senator Fobbe introduced—

S.F. No. 1951: A bill for an act relating to taxation; sales and use; exempting construction materials and equipment used to construct the Mille Lacs County courts facility; removing an obsolete provision; amending Minnesota Statutes 2008, sections 297A.71, by adding a subdivision; 297A.75, subdivision 1.

Referred to the Committee on Taxes.

Senator Erickson Ropes introduced—

S.F. No. 1952: A bill for an act relating to capital improvements; appropriating money for an interchange on marked Trunk Highway 76 in Caledonia; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Erickson Ropes introduced—

S.F. No. 1953: A bill for an act relating to capital improvements; appropriating money for public infrastructure in Caledonia; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Erickson Ropes introduced—

S.F. No. 1954: A bill for an act relating to veterans; extending the County Veterans Services Working Group; amending Laws 2008, chapter 297, article 2, section 26, subdivision 3.

Referred to the Committee on Agriculture and Veterans.

Senators Sieben, Anderson and Sheran introduced—

S.F. No. 1955: A bill for an act relating to solid waste; establishing composting competitive grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Finance.

Senators Dibble, Sieben, Jungbauer and Murphy introduced—

S.F. No. 1956: A bill for an act relating to environment; establishing a grant program for idling reduction technology purchases; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources.

Senator Hann introduced—

S.F. No. 1957: A bill for an act relating to health; repealing the unfair price discrimination on drugs statute; repealing Minnesota Statutes 2008, section 151.061.

Referred to the Committee on Health, Housing and Family Security.

Senator Hann introduced—

S.F. No. 1958: A bill for an act relating to taxation; property; exempting certain leased seasonal-recreational land; amending Minnesota Statutes 2008, sections 272.02, by adding a subdivision; 273.19, subdivision 1; repealing Minnesota Statutes 2008, section 272.0213.

Referred to the Committee on Taxes.

Senator Foley introduced—

S.F. No. 1959: A bill for an act relating to natural resources; appropriating money for a bicycle and pedestrian trail grant.

Referred to the Committee on Finance.

Senator Foley introduced—

S.F. No. 1960: A bill for an act relating to education finance; modifying the state requirement for pupil transportation for elementary pupils; authorizing a levy to pay for certain transportation costs; amending Minnesota Statutes 2008, sections 123B.88, subdivision 1; 123B.92, by adding a subdivision.

Referred to the Committee on Finance.

Senator Foley introduced—

S.F. No. 1961: A bill for an act relating to education finance; defining a locally controlled process for establishing hazardous traffic condition pupil transportation zones; authorizing a levy for certain hazardous pupil transportation services; amending Minnesota Statutes 2008, section 123B.92, by adding a subdivision.

Referred to the Committee on Finance.

Senator Foley introduced—

S.F. No. 1962: A bill for an act relating to metropolitan government; highways; modifying provisions relating to loans to acquire highway right-of-way in the metropolitan area; amending Minnesota Statutes 2008, section 473.167, subdivision 2a.

Referred to the Committee on Finance.

Senator Foley introduced—

S.F. No. 1963: A bill for an act relating to homebuyer savings plans; establishing a homebuyer savings plan trust; providing income and franchise tax deductions; amending Minnesota Statutes 2008, section 290.01, subdivisions 19a, 19b, 19d; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Finance.

Senator Day introduced—

S.F. No. 1964: A bill for an act relating to taxation; sales and use; exempting construction materials for the Faribault wastewater treatment facility; amending Minnesota Statutes 2008, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Bakk introduced—

S.F. No. 1965: A bill for an act relating to taxation; sales and use; modifying local sales and use tax for Cook County; modifying the bonding authority limit for certain projects; amending Laws 2008, chapter 366, article 7, section 18, subdivisions 2, 3.

Referred to the Committee on Taxes.

Senator Koering introduced—

S.F. No. 1966: A bill for an act relating to taxation; property; providing a property tax exemption for certain nursing homes; amending Minnesota Statutes 2008, section 272.02, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Vickerman introduced—

S.F. No. 1967: A bill for an act relating to taxation; aggregate production taxes; decreasing the production tax rate; amending Minnesota Statutes 2008, section 298.75, subdivision 2.

Referred to the Committee on Taxes.

Senators Chaudhary, Ingebrigtsen, Fobbe, Saxhaug and Fischbach introduced—

S.F. No. 1968: A bill for an act relating to game and fish; modifying permit requirements and fees for fishing contest permits; amending Minnesota Statutes 2008, section 97C.081, subdivisions 2, 3, 4, 6, 9.

Referred to the Committee on Environment and Natural Resources.

Senator Cohen introduced—

S.F. No. 1969: A bill for an act relating to taxation; income; providing for a film investment credit; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senator Cohen introduced—

S.F. No. 1970: A bill for an act relating to film production; authorizing film production investment grants; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116U.

Referred to the Committee on Finance.

Senator Vickerman introduced—

S.F. No. 1971: A bill for an act relating to veterans; permitting a dependent returning from active military service to enroll as a dependent in the state employee group insurance program regardless of status as a full-time student; amending Minnesota Statutes 2008, section 43A.23, subdivision 1.

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

Senator Vickerman introduced—

S.F. No. 1972: A bill for an act relating to energy; requiring legislative reports by commissioner of agriculture on use of federal money for state biomass-related activities.

Referred to the Committee on Agriculture and Veterans.

Senator Vickerman introduced—

S.F. No. 1973: A bill for an act relating to real estate; regulating real estate transactions involving potential methamphetamine contamination; requiring training; authorizing certain testing; providing remedies; amending Minnesota Statutes 2008, sections 82.22, by adding a subdivision; 82.32; 82.41,

by adding a subdivision; 152.0275, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Consumer Protection.

Senators Hann, Gerlach and Pariseau introduced—

S.F. No. 1974: A bill for an act relating to the Minnesota Constitution; proposing an amendment to the Minnesota Constitution, article XIII, by adding a section; providing that a marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in Minnesota.

Referred to the Committee on Judiciary.

Senators Ingebrigtsen, Vandever and Koch introduced—

S.F. No. 1975: A bill for an act relating to the Minnesota Constitution; proposing an amendment to the Minnesota Constitution, article XIII, by adding a section; providing that a marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in Minnesota.

Referred to the Committee on Judiciary.

Senators Limmer, Vickerman, Jungbauer and Gimse introduced—

S.F. No. 1976: A bill for an act relating to the Minnesota Constitution; proposing an amendment to the Minnesota Constitution, article XIII, by adding a section; providing that a marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in Minnesota.

Referred to the Committee on Judiciary.

Senator Hann introduced—

S.F. No. 1977: A bill for an act relating to education finance; creating the early graduation achievement scholarship program; appropriating money; amending Minnesota Statutes 2008, sections 120B.07; 126C.126; 126C.20; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Finance.

Senators Limmer, Ingebrigtsen, Day, Vickerman and Doll introduced—

S.F. No. 1978: A bill for an act relating to human services; modifying MFIP eligibility; modifying GA eligibility; eliminating general assistance medical care and MinnesotaCare eligibility for persons convicted of crimes of violence; amending Minnesota Statutes 2008, sections 256D.024, by adding a subdivision; 256D.03, subdivision 3; 256J.26, by adding a subdivision; 256L.04, by adding a subdivision.

Referred to the Committee on Health, Housing and Family Security.

Senators Limmer, Ortman and Bonoff introduced–

S.F. No. 1979: A bill for an act relating to highways; appropriating money for adding a lane to a portion of Interstate Highway 494; authorizing sale of trunk highway bonds.

Referred to the Committee on Finance.

Senator Olson, G. introduced–

S.F. No. 1980: A bill for an act relating to parks and trails; appropriating money for grants to the Three Rivers Park District for purposes of the Dakota Rail Regional Trail.

Referred to the Committee on Finance.

Senators Kelash, Scheid, Moua and Ortman introduced–

S.F. No. 1981: A bill for an act relating to real property; mortgages; providing for postponement of sale; amending Minnesota Statutes 2008, section 580.07.

Referred to the Committee on Judiciary.

Senators Gerlach, Vickerman, Skogen, Gimse and Erickson Ropes introduced–

S.F. No. 1982: A bill for an act relating to veterans; requiring an interview for veterans listed as meeting minimum qualifications and claiming veterans preference for positions of state government employment; applying to state civil service certain removal provisions in current local government law; requiring a report of certain state employment statistics pertaining to veterans; amending Minnesota Statutes 2008, sections 43A.11, subdivision 7; 197.455, subdivision 1.

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

Senator Olson, G. introduced–

S.F. No. 1983: A bill for an act relating to energy finance; providing money to increase energy efficiency in Westonka schools; appropriating money.

Referred to the Committee on Finance.

Senators Sheran, Rosen, Marty, Koering and Olson, M. introduced–

S.F. No. 1984: A bill for an act relating to human services; appropriating money for long-term homeless supportive services.

Referred to the Committee on Finance.

Senator Olson, M. introduced–

S.F. No. 1985: A bill for an act relating to capital improvements; appropriating money for Leech Lake Tribal College; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Bakk introduced—

S.F. No. 1986: A bill for an act relating to taxation; property; reducing class rate on certain recreational property; amending Minnesota Statutes 2008, section 273.13, subdivision 25.

Referred to the Committee on Taxes.

Senators Tomassoni, Vickerman and Erickson Ropes introduced—

S.F. No. 1987: A bill for an act relating to the military; appropriating money for postdeployment health assessments; proposing coding for new law in Minnesota Statutes, chapter 192.

Referred to the Committee on Finance.

Senator Torres Ray introduced—

S.F. No. 1988: A bill for an act relating to marriage; providing for a marriage evaluation study group.

Referred to the Committee on Judiciary.

Senators Fischbach, Gerlach, Vickerman, Langseth and Day introduced—

S.F. No. 1989: A bill for an act relating to health; establishing certain information displayed prior to an abortion; adding a wrongful death action; providing civil and criminal penalties; amending Minnesota Statutes 2008, sections 145.4241, by adding subdivisions; 145.4242; 145.4243; 518B.01, subdivision 2, by adding a subdivision; 573.02, subdivision 1; 609.2242, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health, Housing and Family Security.

Senators Dibble, Berglin and Sheran introduced—

S.F. No. 1990: A bill for an act relating to health; establishing Minnesota Colorectal Cancer Prevention Act and women's heart health program; increasing tobacco-related taxes and designating funds for public health programs; appropriating money; amending Minnesota Statutes 2008, sections 297F.01, subdivision 19; 297F.05, subdivisions 1, 3, 4, by adding a subdivision; 297F.10; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health, Housing and Family Security.

Senator Foley introduced—

S.F. No. 1991: A bill for an act relating to taxation; local government aid; appropriating money for a specific purpose; amending Minnesota Statutes 2008, section 477A.03, subdivision 2a.

Referred to the Committee on Taxes.

Senator Vickerman introduced—

S.F. No. 1992: A bill for an act relating to liquor; authorizing microdistilleries; amending Minnesota Statutes 2008, sections 340A.101, by adding a subdivision; 340A.301, subdivisions 4, 6.

Referred to the Committee on Commerce and Consumer Protection.

Senators Scheid and Senjem introduced—

S.F. No. 1993: A bill for an act relating to economic development; amending limitations on tax increment financing districts; amending Minnesota Statutes 2008, section 469.176, subdivision 1b.

Referred to the Committee on Taxes.

Senator Foley introduced—

S.F. No. 1994: A bill for an act relating to education finance; requiring permanent school fund revenue to be set aside for school technology purposes; proposing coding for new law in Minnesota Statutes, chapter 127A.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

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

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

S.F. No. 811, which the committee recommends to pass with the following amendment offered by Senator Dille:

Page 1, line 18, delete everything after "West" and insert a period

Page 1, delete lines 19 and 20

The motion prevailed. So the amendment was adopted.

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

MEMBERS EXCUSED

Senators Latz and Moua were excused from the Session of today. Senator Rosen was excused

from the Session of today from 11:00 to 11:25 a.m. Senator Ortman was excused from the Session of today from 11:00 to 11:40 a.m. and at 12:30 p.m. Senator Pariseau was excused from the Session of today from 11:50 a.m. to 12:00 noon. Senators Day and Limmer were excused from the Session of today from 1:25 to 1:35 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Wednesday, April 1, 2009. The motion prevailed.

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

INDEX TO DAILY JOURNAL

Monday, March 30, 2009

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 1113 to 1114

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
	56	7	1114

MESSAGES FROM THE HOUSE AND FIRST READING OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
1142	1114			

CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
1142	1114		

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
		1797	1144

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
157	1136		865	1141	1142
160	1180	1202	1797	1141	1142
185	1121				
351	1121	1142			

532	..... 1126	1142
549	..... 1159	
550	..... 1181	1202
567	..... 1160	1202
568	..... 1127	1142
691	..... 1121	
758	..... 1118	
768	..... 1134	
775	..... 1122	
791	..... 1127	
837	..... 1127	1142
867	..... 1179	
916	..... 1129	1142
969	..... 1151	
997	..... 1200	
1006	..... 1200	
1033	..... 1128	1142
1062	..... 1201	
1117	..... 1120	1142
1118	..... 1128	
1125	..... 1126	
1132	..... 1155	
1153	..... 1126	
1166	..... 1153	
1172	..... 1122	1142
1189	..... 1159	1202
1226	..... 1130	
1253	..... 1129	
1343	..... 1125	
1344	..... 1152	
1401	..... 1155	
1410	..... 1177	
1442	..... 1152	
1444	..... 1152	
1455	..... 1160	
1467	..... 1122	1142
1469	..... 1120	1142
1474	..... 1155	
1507	..... 1180	
1513	..... 1123	
1551	..... 1131	
1552	..... 1154	
1564	..... 1176	
1566	..... 1128	1142
1569	..... 1149	1202
1599	..... 1153	1202
1667	..... 1123	
1705	..... 1131	1142
1761	..... 1154	1202
1764	..... 1151	
1797	..... 1151	1202
1836	..... 1125	
1837	..... 1128	
1849	..... 1115	1142
1876	..... 1124	1142
1884	..... 1153	1202
1903	..... 1124	1142
1904	..... 1120	1142
1911	..... 1155	

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
18	1142		
133	1143		
775	1142		
839	1143		
1492	1142		
1551	1142		
1911	1142		
1927	1142		
1370.....	1143		
Sen. Res.			
No. 7	1143		
Sen. Res.			
No. 63	1143		
Sen. Res.			
No. 64	1143		
Sen. Res.			
No. 65	1143		
Sen. Res.			
No. 65	1202		
Sen. Res.			
No. 66	1144		

CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
33	1146		
164	1147		
284	1147		
708	1146		

CONSENT CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
675	1148		

GENERAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
811	1241		

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
1197	1145		
1329	1145		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F Nos. 1939 to 1994 Pages 1232 to 1241