

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2007

SEVENTY-FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 17, 2007

The House of Representatives convened at 9:30 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Paul Rogers, House Chaplain.

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

The roll was called and the following members were present:

Abeler	Dill	Hilstrom	Lieder	Ozment	Solberg
Anderson, B.	Dittrich	Hilty	Lillie	Paulsen	Sviggum
Anderson, S.	Dominguez	Holberg	Loeffler	Paymar	Swails
Anzelc	Doty	Hoppe	Madore	Pelowski	Thao
Atkins	Eastlund	Hornstein	Magnus	Peppin	Thissen
Beard	Eken	Hortman	Mahoney	Peterson, A.	Tillberry
Benson	Emmer	Hosch	Mariani	Peterson, N.	Tingelstad
Berns	Erhardt	Howes	Marquart	Peterson, S.	Tschumper
Bigham	Erickson	Huntley	Masin	Poppe	Urdahl
Bly	Faust	Jaros	McFarlane	Rukavina	Wagenius
Brod	Finstad	Johnson	McNamara	Ruth	Walker
Brown	Fritz	Juhnke	Moe	Ruud	Ward
Brynaert	Gardner	Kahn	Morgan	Sailer	Wardlow
Buesgens	Garofalo	Kalin	Morrow	Scalze	Welti
Bunn	Gottwalt	Knuth	Mullery	Seifert	Westrom
Carlson	Greiling	Koenen	Murphy, E.	Sertich	Winkler
Clark	Gunther	Kohls	Murphy, M.	Severson	Wollschlager
Cornish	Hackbarth	Kranz	Nelson	Shimanski	Zellers
Davnie	Hamilton	Laine	Nornes	Simon	Spk. Kelliher
Dean	Hansen	Lanning	Norton	Simpson	
DeLaForest	Hausman	Lenczewski	Olin	Slawik	
Demmer	Haws	Lesch	Olson	Slocum	
Dettmer	Heidgerken	Liebling	Otremba	Smith	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Urdahl moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

The House recessed for a brief program to celebrate the Seventeenth of May as Syttende Mai, Norway's Constitution Day.

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Thissen.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2007 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F.</i> <i>No.</i>	<i>H. F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>2007</i>	<i>Date Filed</i> <i>2007</i>
1464		71	12:54 p.m. May 15	May 15
585		75	12:56 p.m. May 15	May 15

Sincerely,

MARK RITCHIE
Secretary of State

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Severson, Haws, Wardlow, Dettmer and Gottwalt introduced:

H. F. No. 2492, A bill for an act relating to veterans; providing for issuance of certain hunting and fishing licenses to eligible veterans without payment of fees; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 97A; 197.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Clark; Walker; Huntley; Murphy, E.; Thao; Abeler; Thissen; Loeffler and Kelliher introduced:

H. F. No. 2493, A bill for an act relating to human services; regulating sober houses; amending Minnesota Statutes 2006, sections 504B.001, subdivision 7; 626.5572, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 254A; 462; 504B.

The bill was read for the first time and referred to the Committee on Finance.

Severson, Haws, Wardlow, Dettmer and Gottwalt introduced:

H. F. No. 2494, A bill for an act relating to family law; prohibiting a court from considering a parent's military status when determining or modifying a legal or physical custody order for a child or determining or modifying parenting time orders upon a parent's discharge from active military service; amending Minnesota Statutes 2006, sections 257C.04, by adding a subdivision; 518.003, by adding a subdivision; 518.17, subdivisions 1, 2; 518.175, by adding a subdivision; 518.18; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Kranz, Hortman, Demmer, Tillberry, Moe, Ward and Atkins introduced:

H. F. No. 2495, A bill for an act relating to capital improvements; appropriating money for public ice facilities; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Koenen introduced:

H. F. No. 2496, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to upgrade the electrical system of the Yellow Medicine County Agriculture and Transportation Museum.

The bill was read for the first time and referred to the Committee on Finance.

Eken introduced:

H. F. No. 2497, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 9; authorizing a council to establish salaries for legislators; changing the composition of the Citizen Compensation Council; amending Minnesota Statutes 2006, section 15A.082, subdivisions 1, 2, 3.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Sailer, Howes and Eken introduced:

H. F. No. 2498, A bill for an act relating to capital improvements; appropriating money for renovation of the historic courthouse building in Hubbard County; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Atkins introduced:

H. F. No. 2499, A bill for an act relating to telecommunications; providing for uniform regulatory treatment of telecommunications services for business customers; amending Minnesota Statutes 2006, section 237.411, subdivision 3; repealing Minnesota Statutes 2006, section 237.411, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Buesgens; Hackbarth; Zellers; Anderson, B., and Emmer introduced:

H. F. No. 2500, A bill for an act relating to taxation; temporarily suspending imposition of the gasoline and special fuel tax.

The bill was read for the first time and referred to the Committee on Taxes.

Jaros, Kahn, Erhardt, Pelowski, Huntley and Tschumper introduced:

H. F. No. 2501, A bill for an act relating to game and fish; prohibiting the taking of mourning doves; amending Minnesota Statutes 2006, sections 97A.015, subdivision 24; 97B.731, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Haws introduced:

H. F. No. 2502, A bill for an act relating to taxation; sales tax; providing an exemption for materials and supplies used in the construction of police and fire stations in St. Cloud; amending Minnesota Statutes 2006, section 297A.71, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 464.

H. F. No. 464 was reported to the House.

Brynaert, Kahn, Benson, Greiling, Lillie, Norton, McFarlane, Loeffler, Slawik, Ruud and Bunn moved to amend H. F. No. 464, the second engrossment, as follows:

Page 2, line 26, before the period, insert "except as provided in paragraph (k)"

Page 3, after line 36, insert:

"(k) Notwithstanding paragraph (b), each exclusive representative of an eligible employer that had for fiscal year 2006, 800 or more full-time equivalent employees, shall determine whether the employees it represents will participate in coverage offered by the board and may opt out of coverage by the board under this paragraph. The exclusive representative must exercise this opt-out option on or before July 1, 2008, on a form provided by the board. The employees represented by an exclusive representative that exercises this option are not eligible for coverage under this section for four years after the first date upon which the board provides coverage. An exclusive representative that opts out may elect to have the employees it represents receive coverage provided by the board, beginning after that four-year-period of ineligibility, and the employees represented by that exclusive representative must be pooled and rated separately from other eligible employees for the following four years. For employees of the eligible employer who are not represented by an exclusive representative, the employer has the right to make the decisions described in this paragraph."

A roll call was requested and properly seconded.

Buesgens moved to amend the Brynaert et al amendment to H. F. No. 464, the second engrossment, as follows:

Page 1, line 5, after "employer" delete "that had for fiscal year 2006, 800 or more full-time equivalent employees,"

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Hackbarth and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Benson	Brynaert	Davnie	Dittrich	Erhardt
Anderson, B.	Berns	Buesgens	Dean	Dominguez	Erickson
Anderson, S.	Bigham	Bunn	DeLaForest	Doty	Faust
Anzelc	Bly	Carlson	Demmer	Eastlund	Finstad
Atkins	Brod	Clark	Dettmer	Eken	Fritz
Beard	Brown	Cornish	Dill	Emmer	Gardner

Garofalo	Howes	Lillie	Nornes	Sailer	Tingelstad
Gottwalt	Huntley	Loeffler	Norton	Scalze	Tschumper
Greiling	Jaros	Madore	Olin	Seifert	Urdahl
Gunther	Johnson	Magnus	Olson	Sertich	Wagenius
Hackbarth	Juhnke	Mahoney	Otremba	Severson	Walker
Hamilton	Kahn	Mariani	Ozment	Shimanski	Ward
Hansen	Kalin	Marquart	Paulsen	Simon	Wardlow
Hausman	Knuth	Masin	Paymar	Simpson	Welti
Haws	Koenen	McFarlane	Pelowski	Slawik	Westrom
Heidgerken	Kohls	McNamara	Peppin	Slocum	Winkler
Hilstrom	Kranz	Moe	Peterson, A.	Smith	Wollschlager
Hilty	Laine	Morgan	Peterson, N.	Solberg	Zellers
Holberg	Lanning	Morrow	Peterson, S.	Sviggum	Spk. Kelliher
Hoppe	Lenczewski	Mullery	Poppe	Swails	
Hornstein	Lesch	Murphy, E.	Rukavina	Thao	
Hortman	Liebling	Murphy, M.	Ruth	Thissen	
Hosch	Lieder	Nelson	Ruud	Tillberry	

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the amendment to the amendment and the roll was called. There were 51 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Gardner	Loeffler	Paulsen	Simpson
Anderson, S.	Demmer	Garofalo	Magnus	Peppin	Smith
Beard	Dettmer	Gottwalt	Masin	Peterson, N.	Wagenius
Benson	Eastlund	Hackbarth	McFarlane	Ruth	Westrom
Berns	Emmer	Holberg	McNamara	Ruud	Winkler
Brod	Erhardt	Hoppe	Mullery	Seifert	Zellers
Buesgens	Erickson	Kohls	Nornes	Severson	
Davnie	Faust	Lenczewski	Olin	Shimanski	
Dean	Finstad	Lillie	Olson	Simon	

Those who voted in the negative were:

Abeler	Doty	Hosch	Liebling	Ozment	Swails
Anzelc	Eken	Howes	Lieder	Paymar	Thao
Atkins	Fritz	Huntley	Madore	Pelowski	Thissen
Bigham	Greiling	Jaros	Mahoney	Peterson, A.	Tillberry
Bly	Gunther	Johnson	Mariani	Peterson, S.	Tingelstad
Brown	Hamilton	Juhnke	Marquart	Poppe	Tschumper
Brynaert	Hansen	Kahn	Moe	Rukavina	Urdahl
Bunn	Hausman	Kalin	Morgan	Sailer	Walker
Carlson	Haws	Knuth	Morrow	Scalze	Ward
Clark	Heidgerken	Koenen	Murphy, E.	Sertich	Wardlow
Cornish	Hilstrom	Kranz	Murphy, M.	Slawik	Welti
Dill	Hilty	Laine	Nelson	Slocum	Wollschlager
Dittrich	Hornstein	Lanning	Norton	Solberg	Spk. Kelliher
Dominguez	Hortman	Lesch	Otremba	Sviggum	

The motion did not prevail and the amendment to the amendment was not adopted.

MOTION TO LAY ON THE TABLE

Seifert moved that H. F. No. 464 be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Seifert motion and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Davnie	Finstad	Lanning	Peppin	Smith
Anderson, S.	Dean	Garofalo	Lillie	Peterson, N.	Sviggum
Beard	DeLaForest	Gottwalt	Magnus	Poppe	Wagenius
Benson	Demmer	Greiling	McFarlane	Ruth	Westrom
Berns	Dettmer	Gunther	McNamara	Seifert	Zellers
Brod	Eastlund	Hackbarth	Nornes	Severson	
Buesgens	Emmer	Holberg	Norton	Shimanski	
Bunn	Erhardt	Hoppe	Olson	Simpson	
Cornish	Erickson	Kohls	Paulsen	Slawik	

Those who voted in the negative were:

Abeler	Faust	Huntley	Loeffler	Otremba	Swails
Anzelc	Fritz	Jaros	Madore	Ozment	Thao
Atkins	Gardner	Johnson	Mahoney	Paymar	Thissen
Bigham	Hamilton	Juhnke	Mariani	Pelowski	Tillberry
Bly	Hansen	Kahn	Marquart	Peterson, A.	Tingelstad
Brown	Hausman	Kalin	Masin	Peterson, S.	Tschumper
Brynaert	Haws	Knuth	Moe	Rukavina	Urdahl
Carlson	Heidgerken	Koenen	Morgan	Ruud	Walker
Clark	Hilstrom	Kranz	Morrow	Sailer	Ward
Dill	Hilty	Laine	Mullery	Scalze	Wardlow
Dittrich	Hornstein	Lenczewski	Murphy, E.	Sertich	Welti
Dominguez	Hortman	Lesch	Murphy, M.	Simon	Winkler
Doty	Hosch	Liebling	Nelson	Slocum	Wollschlager
Eken	Howes	Lieder	Olin	Solberg	Spk. Kelliher

The motion did not prevail.

Berns moved to amend the Brynaert et al amendment to H. F. No. 464, the second engrossment, as follows:

Page 1, line 5, delete "800" and insert "780"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 48 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark	Finstad	Kahn	Norton	Simpson
Anderson, S.	Davnie	Gardner	Knuth	Paulsen	Slawik
Beard	Dean	Gottwalt	Lenczewski	Peppin	Smith
Benson	DeLaForest	Greiling	Lillie	Peterson, N.	Svigum
Berns	Dettmer	Gunther	Loeffler	Ruth	Wagenius
Brynaert	Eastlund	Hackbarth	Magnus	Ruud	Wardlow
Buesgens	Erhardt	Holberg	McFarlane	Severson	Westrom
Bunn	Erickson	Hoppe	Mullery	Shimanski	Zellers

Those who voted in the negative were:

Abeler	Emmer	Jaros	Marquart	Pelowski	Tillberry
Anzelc	Faust	Johnson	Masin	Peterson, A.	Tingelstad
Atkins	Garofalo	Juhnke	McNamara	Peterson, S.	Tschumper
Bigham	Hamilton	Kalin	Moe	Poppe	Urdahl
Bly	Hansen	Koenen	Morgan	Rukavina	Walker
Brod	Hausman	Kohls	Morrow	Sailer	Ward
Brown	Haws	Kranz	Murphy, E.	Scalze	Welti
Carlson	Heidgerken	Laine	Murphy, M.	Seifert	Winkler
Cornish	Hilstrom	Lanning	Nelson	Sertich	Wollschlager
Demmer	Hilty	Lesch	Nornes	Simon	Spk. Kelliher
Dill	Hornstein	Liebling	Olin	Slocum	
Dittrich	Hortman	Lieder	Olson	Solberg	
Dominguez	Hosch	Madore	Otremba	Swails	
Doty	Howes	Mahoney	Ozment	Thao	
Eken	Huntley	Mariani	Paymar	Thissen	

The motion did not prevail and the amendment to the amendment was not adopted.

Dettmer moved to amend the Brynaert et al amendment to H. F. No. 464, the second engrossment, as follows:

Page 1, line 5, delete "800" and insert "600"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 34 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bunn	Erickson	Holberg	Norton	Slawik
Anderson, S.	Davnie	Gardner	Hoppe	Paulsen	Svigum
Benson	Dean	Gottwalt	Kahn	Peppin	Wagenius
Berns	DeLaForest	Greiling	Lillie	Ruud	Zellers
Brynaert	Dettmer	Gunther	Loeffler	Severson	
Buesgens	Eastlund	Hackbarth	McFarlane	Shimanski	

Those who voted in the negative were:

Abeler	Emmer	Jaros	Mariani	Peterson, A.	Thissen
Anzelc	Erhardt	Johnson	Marquart	Peterson, N.	Tillberry
Atkins	Faust	Juhnke	Masin	Peterson, S.	Tingelstad
Beard	Finstad	Kalin	McNamara	Poppe	Tschumper
Bigham	Garofalo	Knuth	Moe	Rukavina	Urdahl
Bly	Hamilton	Koenen	Morgan	Ruth	Walker
Brod	Hansen	Kohls	Morrow	Sailer	Ward
Brown	Hausman	Kranz	Murphy, E.	Scalze	Wardlow
Carlson	Haws	Laine	Murphy, M.	Seifert	Welti
Clark	Heidgerken	Lanning	Nelson	Sertich	Westrom
Cornish	Hilstrom	Lenczewski	Nornes	Simon	Winkler
Demmer	Hilty	Lesch	Olin	Simpson	Wollschlager
Dill	Hornstein	Liebling	Olson	Slocum	Spk. Kelliher
Dittrich	Hortman	Lieder	Otremba	Smith	
Dominguez	Hosch	Madore	Ozment	Solberg	
Doty	Howes	Magnus	Paymar	Swails	
Eken	Huntley	Mahoney	Pelowski	Thao	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Brynaert et al amendment and the roll was called. There were 19 yeas and 115 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Liebling	Mullery	Ruud
Anderson, S.	Erhardt	Lillie	Norton	Scalze
Benson	Gardner	Loeffler	Paulsen	Slawik
Brynaert	Greiling	McFarlane	Peterson, N.	

Those who voted in the negative were:

Anderson, B.	Brod	Dean	Doty	Fritz	Hausman
Anzelc	Brown	DeLaForest	Eastlund	Garofalo	Haws
Atkins	Buesgens	Demmer	Eken	Gottwalt	Heidgerken
Beard	Bunn	Dettmer	Emmer	Gunther	Hilstrom
Berns	Carlson	Dill	Erickson	Hackbarth	Hilty
Bigham	Clark	Dittrich	Faust	Hamilton	Holberg
Bly	Cornish	Dominguez	Finstad	Hansen	Hoppe

Hornstein	Kranz	Moe	Peppin	Slocum	Ward
Hortman	Laine	Morgan	Peterson, A.	Smith	Wardlow
Hosch	Lanning	Morrow	Peterson, S.	Solberg	Welti
Howes	Lenczewski	Murphy, E.	Poppe	Sviggum	Westrom
Huntley	Lesch	Murphy, M.	Rukavina	Swails	Winkler
Jaros	Lieder	Nelson	Ruth	Thao	Wollschlager
Johnson	Madore	Nornes	Sailer	Thissen	Zellers
Juhnke	Magnus	Olin	Seifert	Tillberry	Spk. Kelliher
Kahn	Mahoney	Olson	Sertich	Tingelstad	
Kalin	Mariani	Otremba	Severson	Tschumper	
Knuth	Marquart	Ozment	Shimanski	Urdahl	
Koenen	Masin	Paymar	Simon	Wagenius	
Kohls	McNamara	Pelowski	Simpson	Walker	

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

Loeffler; Brynaert; Simon; Dettmer; Demmer; Norton; Murphy, E.; Mariani; Kohls; Kahn; Greiling; Lillie; Beard; Zellers and Paulsen moved to amend H. F. No. 464, the second engrossment, as follows:

Page 1, after line 6 insert:

"Section 1. Minnesota Statutes 2006, section 3.971, subdivision 6, is amended to read:

Subd. 6. **Financial audits.** The legislative auditor shall audit the financial statements of the state of Minnesota required by section 16A.50 and, as resources permit, shall audit Minnesota State Colleges and Universities, the University of Minnesota, state agencies, departments, boards, commissions, courts, and other state organizations subject to audit by the legislative auditor, including the State Agricultural Society, Agricultural Utilization Research Institute, Minnesota Technology, Inc., the Minnesota School Employee Insurance Board, Minnesota Historical Society, Labor Interpretive Center, Minnesota Partnership for Action Against Tobacco, Metropolitan Sports Facilities Commission, Metropolitan Airports Commission, and Metropolitan Mosquito Control District. Financial audits must be conducted according to generally accepted government auditing standards. The legislative auditor shall see that all provisions of law respecting the appropriate and economic use of public funds are complied with and may, as part of a financial audit or separately, investigate allegations of noncompliance by employees of departments and agencies of the state government and the other organizations listed in this subdivision."

Page 2, line 20, after the period, insert "The board is subject to financial audit by the legislative auditor under section 3.971, subdivision 6."

Page 3, line 8, delete the first "and" and before "must" insert "72A, and"

Page 3, line 18, after the period, insert "If at any time any health plan offered by the board is not fully insured, the board and the health plan are subject to section 471.617 and any rules adopted under that section, including Minnesota Rules, chapter 2785."

Page 4, line 9, delete "and" and after "62Q" insert ", and 72A"

Page 4, line 13, delete "January 15, 2011" and insert "December 15, 2009"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sertich moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 6, line 34, delete "62E.11, subdivision 5, paragraph (b)" and insert "62A.662, subdivision 9, paragraph (d)"

The motion prevailed and the amendment was adopted.

Norton, Greiling, Brynaert, Bunn, Benson, Kohls, Lillie, Beard and Ruud moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 20, after the period, insert "No eligible employer is liable for the debts, liabilities, or obligations of this public corporation."

A roll call was requested and properly seconded.

The question was taken on the Norton et al amendment and the roll was called. There were 56 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Garofalo	Knuth	Norton	Slawik
Anderson, B.	DeLaForest	Gottwalt	Kohls	Paulsen	Sviggum
Anderson, S.	Demmer	Greiling	Lanning	Peppin	Tschumper
Beard	Dettmer	Gunther	Liebling	Peterson, N.	Westrom
Benson	Eastlund	Hackbarth	Lillie	Ruth	Winkler
Berns	Emmer	Hamilton	McFarlane	Ruud	Zellers
Brod	Erhardt	Heidgerken	McNamara	Severson	
Brynaert	Erickson	Holberg	Morrow	Shimanski	
Buesgens	Faust	Hoppe	Mullery	Simon	
Bunn	Gardner	Kahn	Nornes	Simpson	

Those who voted in the negative were:

Anzelc	Eken	Jaros	Mahoney	Paymar	Swails
Atkins	Finstad	Johnson	Mariani	Pelowski	Thao
Bigham	Fritz	Juhnke	Marquart	Peterson, A.	Thissen
Bly	Hansen	Kalin	Masin	Peterson, S.	Tillberry
Brown	Hausman	Koenen	Moe	Poppe	Tingelstad
Carlson	Haws	Kranz	Morgan	Rukavina	Urdahl
Clark	Hilstrom	Laine	Murphy, E.	Sailer	Wagenius
Cornish	Hilty	Lenczewski	Murphy, M.	Scalze	Walker
Davnie	Hornstein	Lesch	Nelson	Seifert	Ward
Dill	Hortman	Lieder	Olin	Sertich	Wardlow
Dittrich	Hosch	Loeffler	Olson	Slocum	Welti
Dominguez	Howes	Madore	Otremba	Smith	Wollschlager
Doty	Huntley	Magnus	Ozment	Solberg	Spk. Kelliher

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

CALL OF THE HOUSE LIFTED

Erickson moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Erickson moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 22, after "pool" insert "is subject to the political subdivision provisions of section 471.617 and Minnesota Rules, chapter 2785, and"

Page 3, line 8, delete "and 62Q" and insert "62Q, and 72A"

Page 4, line 5, after the second comma, insert "and receive approval"

Page 4, line 9, delete "and 62Q" and insert "62Q, and 72A"

Page 4, line 13, delete "January 15, 2011" and insert "March 1, 2010"

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 44 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Gardner	Kohls	Peppin	Tingelstad
Anderson, B.	DeLaForest	Garofalo	Lanning	Ruth	Wardlow
Anderson, S.	Demmer	Gottwalt	Magnus	Ruud	Westrom
Beard	Dettmer	Gunther	McFarlane	Seifert	Zellers
Berns	Eastlund	Hackbarth	McNamara	Severson	
Brod	Emmer	Holberg	Nornes	Shimanski	
Buesgens	Erickson	Hoppe	Olson	Simpson	
Bunn	Finstad	Hosch	Paulsen	Sviggum	

Those who voted in the negative were:

Anzelc	Eken	Huntley	Loeffler	Otremba	Smith
Atkins	Erhardt	Jaros	Madore	Ozment	Solberg
Benson	Faust	Johnson	Mahoney	Paymar	Swails
Bigham	Fritz	Juhnke	Mariani	Pelowski	Thao
Bly	Greiling	Kahn	Marquart	Peterson, A.	Thissen
Brown	Hamilton	Kalin	Masin	Peterson, N.	Tillberry
Brynaert	Hansen	Knuth	Moe	Peterson, S.	Tschumper
Carlson	Hausman	Koenen	Morgan	Poppe	Urdahl
Clark	Haws	Kranz	Morrow	Rukavina	Wagenius
Cornish	Heidgerken	Laine	Mullery	Sailer	Walker
Davnie	Hilstrom	Lenczewski	Murphy, E.	Scalze	Ward
Dill	Hilty	Lesch	Murphy, M.	Sertich	Welti
Dittrich	Hornstein	Liebling	Nelson	Simon	Winkler
Dominguez	Hortman	Lieder	Norton	Slawik	Wollschlager
Doty	Howes	Lillie	Olin	Slocum	Spk. Kelliher

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

Emmer moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, line 18, after the period, insert "The board must offer only coverage that is fully insured unless it has reserves of at least \$200,000,000."

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 40 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Fritz	Kohls	Paulsen	Simpson
Anderson, S.	Demmer	Garofalo	Lanning	Peppin	Smith
Beard	Dettmer	Gottwalt	Magnus	Peterson, N.	Sviggum
Berns	Eastlund	Gunther	McFarlane	Ruth	Westrom
Brod	Emmer	Hackbarth	McNamara	Seifert	Zellers
Buesgens	Erickson	Holberg	Nornes	Severson	
Dean	Finstad	Hoppe	Olson	Shimanski	

Those who voted in the negative were:

Abeler	Doty	Howes	Loeffler	Ozment	Thao
Anzelc	Eken	Huntley	Madore	Paymar	Thissen
Atkins	Erhardt	Jaros	Mahoney	Pelowski	Tillbery
Benson	Faust	Johnson	Mariani	Peterson, A.	Tingelstad
Bigham	Gardner	Juhnke	Marquart	Peterson, S.	Tschumper
Bly	Greiling	Kahn	Masin	Poppe	Urdahl
Brown	Hamilton	Kalin	Moe	Rukavina	Wagenius
Brynaert	Hansen	Knuth	Morgan	Ruud	Walker
Bunn	Hausman	Koenen	Morrow	Sailer	Ward
Carlson	Haws	Kranz	Mullery	Scalze	Wardlow
Clark	Heidgerken	Laine	Murphy, E.	Sertich	Welti
Cornish	Hilstrom	Lenczewski	Murphy, M.	Simon	Winkler
Davnie	Hilty	Lesch	Nelson	Slawik	Wollschlager
Dill	Hornstein	Liebling	Norton	Slocum	Spk. Kelliher
Dittrich	Hortman	Lieder	Olin	Solberg	
Dominguez	Hosch	Lillie	Otremba	Swails	

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

Kahn, Benson, Greiling, Lillie, Slawik and Ruud moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 26, before the period, insert ", except as provided in paragraph (k)"

Page 3, after line 36 insert:

"(k) Notwithstanding paragraph (b), each exclusive representative of an eligible employer that shall determine whether the employees it represents will participate in coverage offered by the board and may opt out of coverage by the board under this paragraph. The exclusive representative must exercise this opt-out option on or before July 1,

2008, on a form provided by the board. The employees represented by an exclusive representative that exercises this option are not eligible for coverage under this section for six years after the first date upon which the board provides coverage. An exclusive representative that opts out may elect to have the employees it represents receive coverage provided by the board, beginning after that six-year-period of ineligibility, and the employees represented by that exclusive representative must be pooled and rated separately from other eligible employees for the following six years. For employees of the eligible employer who are not represented by an exclusive representative, the employer has the right to make the decisions described in this paragraph."

A roll call was requested and properly seconded.

The question was taken on the Kahn et al amendment and the roll was called. There were 51 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler	Bunn	Garofalo	Kohls	Paulsen	Slawik
Anderson, B.	Davnie	Gottwalt	Lillie	Peppin	Smith
Anderson, S.	Dean	Greiling	Loeffler	Peterson, N.	Wagenius
Beard	Dettmer	Gunther	Magnus	Ruud	Westrom
Benson	Eastlund	Hackbarth	Masin	Seifert	Winkler
Berns	Emmer	Holberg	McNamara	Severson	Zellers
Brod	Erhardt	Hoppe	Morrow	Shimanski	
Brynaert	Finstad	Howes	Mullery	Simon	
Buesgens	Gardner	Kahn	Norton	Simpson	

Those who voted in the negative were:

Anzelc	Eken	Huntley	Madore	Ozment	Swails
Atkins	Erickson	Jaros	Mahoney	Paymar	Thao
Bigham	Faust	Johnson	Mariani	Pelowski	Thissen
Bly	Fritz	Juhnke	Marquart	Peterson, A.	Tillberry
Brown	Hamilton	Kalin	McFarlane	Peterson, S.	Tingelstad
Carlson	Hansen	Knuth	Moe	Poppe	Tschumper
Clark	Hausman	Koenen	Morgan	Rukavina	Urdahl
Cornish	Haws	Kranz	Murphy, E.	Ruth	Walker
DeLaForest	Heidgerken	Laine	Murphy, M.	Sailer	Ward
Demmer	Hilstrom	Lanning	Nelson	Scalze	Wardlow
Dill	Hilty	Lenczewski	Nornes	Sertich	Welti
Dittrich	Hornstein	Lesch	Olin	Slocum	Wollschlager
Dominguez	Hortman	Liebling	Olson	Solberg	Spk. Kelliher
Doty	Hosch	Lieder	Otremba	Sviggum	

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

Norton, Garofalo and Brynaert moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 20, after the period, insert "An eligible employer is not liable for obligations of this public corporation."

A roll call was requested and properly seconded.

The question was taken on the Norton et al amendment and the roll was called. There were 70 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Garofalo	Kohls	Olson	Slawik
Anderson, B.	Demmer	Gottwalt	Lanning	Paulsen	Smith
Anderson, S.	Dettmer	Greiling	Lenczewski	Peppin	Sviggum
Beard	Dittrich	Gunther	Liebling	Peterson, N.	Tingelstad
Benson	Eastlund	Hackbarth	Lillie	Poppe	Tschumper
Berns	Emmer	Hamilton	Magnus	Ruth	Wagenius
Brod	Erhardt	Haws	McFarlane	Ruud	Wardlow
Brynaert	Erickson	Holberg	McNamara	Seifert	Westrom
Buesgens	Faust	Hoppe	Morrow	Severson	Winkler
Bunn	Finstad	Hosch	Mullery	Shimanski	Zellers
Davnie	Fritz	Kahn	Nornes	Simon	
Dean	Gardner	Knuth	Norton	Simpson	

Those who voted in the negative were:

Anzelc	Eken	Johnson	Marquart	Pelowski	Thissen
Atkins	Hansen	Juhnke	Masin	Peterson, A.	Tillberry
Bigham	Hausman	Kalin	Moe	Peterson, S.	Urdahl
Bly	Heidgerken	Koenen	Morgan	Rukavina	Walker
Brown	Hilstrom	Kranz	Murphy, E.	Sailer	Ward
Carlson	Hilty	Laine	Murphy, M.	Scalze	Welti
Clark	Hornstein	Lesch	Nelson	Sertich	Wollschlager
Cornish	Hortman	Lieder	Olin	Slocum	Spk. Kelliher
Dill	Howes	Loeffler	Otremba	Solberg	
Dominguez	Huntley	Madore	Ozment	Swails	
Doty	Jaros	Mahoney	Paymar	Thao	

The motion prevailed and the amendment was adopted.

Erickson moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 7, line 21, after the period, insert "By October 1, 2007, the board must establish an administrative system for the Minnesota school employee insurance pool."

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 40 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Finstad	Magnus	Paulsen	Shimanski
Anderson, S.	Demmer	Gottwalt	McFarlane	Paymar	Simpson
Beard	Dettmer	Greiling	McNamara	Peppin	Smith
Berns	Eastlund	Hackbarth	Mullery	Peterson, N.	Westrom
Brod	Emmer	Holberg	Nornes	Ruth	Zellers
Buesgens	Erhardt	Kohls	Norton	Seifert	
Dean	Erickson	Lanning	Olson	Severson	

Those who voted in the negative were:

Abeler	Doty	Hortman	Lieder	Ozment	Thao
Anzelc	Eken	Hosch	Lillie	Pelowski	Thissen
Atkins	Faust	Howes	Loeffler	Peterson, A.	Tillberry
Benson	Fritz	Huntley	Madore	Peterson, S.	Tingelstad
Bigham	Gardner	Jaros	Mahoney	Poppe	Tschumper
Bly	Garofalo	Johnson	Mariani	Rukavina	Urdahl
Brown	Gunther	Juhnke	Marquart	Ruud	Wagenius
Brynaert	Hamilton	Kahn	Masin	Sailer	Walker
Bunn	Hansen	Kalin	Moe	Scalze	Ward
Carlson	Hausman	Knuth	Morgan	Sertich	Wardlow
Clark	Haws	Koenen	Morrow	Simon	Welti
Cornish	Heidgerken	Kranz	Murphy, E.	Slawik	Winkler
Davnie	Hilstrom	Laine	Murphy, M.	Slocum	Wollschlager
Dill	Hilty	Lenczewski	Nelson	Solberg	Spk. Kelliher
Dittrich	Hoppe	Lesch	Olin	Sviggum	
Dominguez	Hornstein	Liebling	Otremba	Swails	

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

Kohls moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 10, delete "and"

Page 1, line 16, delete the period and insert a semicolon

Page 1, after line 16, insert:

"(3) "health plan" means a health plan as defined in section 62A.011; and

(4) "health benefit plan" means self-insured health care coverage that is offered by the Minnesota School Employee Insurance Pool under this section."

Page 2, line 26, after "plans" insert "or health benefit plans"

Page 2, line 34, delete "health plan or plans" and insert "health plans or health benefit plans"

Page 3, line 1, before the period, insert "or health benefit plans"

Page 3, line 8, after "board" insert "and approved by the commissioner of commerce" and delete "The health plans" and insert "Any health plan or health benefit plan offered by the board"

Page 3, line 10, delete "All health plans" and insert "Any health plan or health benefit plan" and after "commerce" insert "prior to being made available to eligible employees of eligible employers"

Page 3, line 14, after "features" insert "as allowed under chapter 60A"

Page 3, line 15, after the period, insert "The Department of Commerce must approve all design elements under this paragraph prior to any health plan or health benefit plan being made available to eligible employees of eligible employers."

Page 3, line 19, delete "The health plans" and insert "Any health plan or health benefit plan"

A roll call was requested and properly seconded.

The question was taken on the Kohls amendment and the roll was called. There were 50 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Magnus	Peterson, N.	Sviggum
Anderson, S.	Demmer	Gottwalt	McFarlane	Ruth	Wardlow
Beard	Dettmer	Greiling	McNamara	Ruud	Westrom
Benson	Eastlund	Hackbarth	Mullery	Seifert	Winkler
Berns	Emmer	Holberg	Nornes	Severson	Zellers
Brod	Erhardt	Hoppe	Norton	Shimanski	
Buesgens	Erickson	Kahn	Olson	Simon	
Bunn	Finstad	Kohls	Paulsen	Simpson	
Dean	Gardner	Lanning	Paymar	Smith	

Those who voted in the negative were:

Abeler	Doty	Hosch	Lieder	Olin	Swails
Anzelc	Eken	Howes	Lillie	Otremba	Thao
Atkins	Faust	Huntley	Loeffler	Ozment	Thissen
Bigham	Fritz	Jaros	Madore	Pelowski	Tillberry
Bly	Gunther	Johnson	Mahoney	Peterson, A.	Tingelstad
Brown	Hamilton	Juhnke	Mariani	Peterson, S.	Tschumper
Brynaert	Hansen	Kalin	Marquart	Poppe	Urdahl
Carlson	Hausman	Knuth	Masin	Rukavina	Wagenius
Clark	Haws	Koenen	Moe	Sailer	Walker
Cornish	Heidgerken	Kranz	Morgan	Scalze	Ward
Davnie	Hilstrom	Laine	Morrow	Sertich	Welti
Dill	Hilty	Lenczewski	Murphy, E.	Slawik	Wollschlager
Dittrich	Hornstein	Lesch	Murphy, M.	Slocum	Spk. Kelliher
Dominguez	Hortman	Liebling	Nelson	Solberg	

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

Hoppe, Kohls and Kahn moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 26, before the period, insert ", except as provided in paragraph (k)"

Page 3, after line 36, insert:

"(k) Notwithstanding paragraph (b), each employer shall determine whether its district will participate in coverage offered by the board and may opt out of coverage by the board under this paragraph. The employer must exercise this opt-out option on or before July 1, 2008, on a form provided by the board. The district whose

employer exercises this option is not eligible for membership under this section for six years after the first date upon which the board provides coverage. A district that opts out may elect to have its employees receive coverage provided by the board, beginning after that six-year-period of ineligibility, and the employees of that district must be pooled and rated separately from other eligible employees for the following six years."

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of DeLaForest and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Dill	Hilty	Lieder	Paulsen	Sviggum
Anderson, B.	Dittrich	Holberg	Lillie	Paymar	Swails
Anderson, S.	Dominguez	Hoppe	Loeffler	Pelowski	Thao
Anzalc	Doty	Hornstein	Madore	Peppin	Thissen
Atkins	Eastlund	Hortman	Magnus	Peterson, A.	Tillberry
Beard	Eken	Hosch	Mahoney	Peterson, S.	Tschumper
Benson	Emmer	Howes	Marquart	Poppe	Urdahl
Berns	Erhardt	Huntley	Masin	Rukavina	Wagenius
Bigham	Erickson	Jaros	McFarlane	Ruth	Walker
Bly	Faust	Johnson	McNamara	Ruud	Ward
Brod	Finstad	Juhnke	Moe	Sailer	Wardlow
Brown	Fritz	Kahn	Morgan	Scalze	Welti
Brynaert	Gardner	Kalin	Morrow	Seifert	Westrom
Buesgens	Garofalo	Knuth	Mullery	Sertich	Winkler
Bunn	Gottwalt	Koenen	Murphy, E.	Severson	Wollschlager
Carlson	Gunther	Kohls	Murphy, M.	Shimanski	Zellers
Clark	Hackbarth	Kranz	Nelson	Simon	Spk. Kelliher
Davnie	Hamilton	Laine	Nornes	Simpson	
Dean	Hansen	Lanning	Olin	Slawik	
DeLaForest	Hausman	Lenczewski	Olson	Slocum	
Demmer	Heidgerken	Lesch	Otremba	Smith	
Dettmer	Hilstrom	Liebling	Ozment	Solberg	

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The Speaker resumed the Chair.

The question recurred on the Hoppe et al amendment and the roll was called. There were 58 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brod	Dean	Emmer	Garofalo	Holberg
Anderson, S.	Brynaert	DeLaForest	Erhardt	Gottwalt	Hoppe
Beard	Buesgens	Demmer	Erickson	Greiling	Kahn
Benson	Bunn	Dettmer	Finstad	Gunther	Kohls
Berns	Davnie	Eastlund	Gardner	Hackbarth	Lanning

Lillie	Morrow	Paulsen	Ruud	Simpson	Westrom
Loeffler	Mullery	Peppin	Seifert	Slawik	Winkler
Masin	Nornes	Peterson, N.	Severson	Smith	Zellers
McFarlane	Norton	Poppe	Shimanski	Urdahl	
McNamara	Olson	Ruth	Simon	Wagenius	

Those who voted in the negative were:

Abeler	Eken	Howes	Lieder	Ozment	Thao
Anzelc	Faust	Huntley	Madore	Paymar	Thissen
Atkins	Fritz	Jaros	Magnus	Pelowski	Tillberry
Bigham	Hamilton	Johnson	Mahoney	Peterson, A.	Tingelstad
Bly	Hansen	Juhnke	Mariani	Peterson, S.	Tschumper
Brown	Hausman	Kalin	Marquart	Rukavina	Walker
Carlson	Haws	Knuth	Moe	Sailer	Ward
Clark	Heidgerken	Koenen	Morgan	Scalze	Wardlow
Cornish	Hilstrom	Kranz	Murphy, E.	Sertich	Welti
Dill	Hilty	Laine	Murphy, M.	Slocum	Wollschlager
Dittrich	Hornstein	Lenczewski	Nelson	Solberg	Spk. Kelliher
Dominguez	Hortman	Lesch	Olin	Sviggum	
Doty	Hosch	Liebling	Otremba	Swails	

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

CALL OF THE HOUSE LIFTED

DeLaForest moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Peppin moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 43A.316, subdivision 1, is amended to read:

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

Sec. 2. Minnesota Statutes 2006, section 43A.316, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

(3) a county or municipal hospital; or

(4) another public employer approved by the commissioner.

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

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

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

Sec. 3. Minnesota Statutes 2006, section 43A.316, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

Sec. 4. Minnesota Statutes 2006, section 43A.316, is amended by adding a subdivision to read:

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

Sec. 5. Minnesota Statutes 2006, section 43A.316, subdivision 4, is amended to read:

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

Sec. 6. Minnesota Statutes 2006, section 43A.316, subdivision 5, is amended to read:

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

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

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

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

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

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

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

Sec. 7. Minnesota Statutes 2006, section 43A.316, is amended by adding a subdivision to read:

Subd. 5a. **Participating employer rights to data.** Employers participating in the public employee insurance program shall not be refused or impeded by the program in their efforts to obtain the utilization or claims data needed by the employer to seek alternative bids for insurance coverage. The ability of participating employers to secure their data for the purposes of seeking alternative bids for coverage exists regardless of any other program participation requirements or incentives for long-term participation in the program. Participating employers will not be charged for the report generated to satisfy this subdivision.

Sec. 8. Minnesota Statutes 2006, section 43A.316, is amended by adding a subdivision to read:

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

Sec. 9. Minnesota Statutes 2006, section 43A.316, is amended by adding a subdivision to read:

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

Sec. 10. Minnesota Statutes 2006, section 43A.316, subdivision 10, is amended to read:

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

Sec. 11. **APPROPRIATION.**

Notwithstanding Minnesota Statutes, section 295.581, \$60,000 in fiscal year 2008 and \$2,260,000 in fiscal year 2009 are appropriated to the commissioner of employee relations for onetime administrative costs for marketing, communication, plan administration, and the development of a data warehouse to support the public employee insurance program.

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

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

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 47 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brynaert	DeLaForest	Erhardt	Gottwalt	Hoppe
Anderson, S.	Buesgens	Demmer	Erickson	Greiling	Kohls
Beard	Bunn	Dettmer	Finstad	Gunther	Lanning
Berns	Davnie	Eastlund	Gardner	Hackbarth	McFarlane
Brod	Dean	Emmer	Garofalo	Holberg	McNamara

Nornes	Paulsen	Ruth	Severson	Smith	Westrom
Norton	Peppin	Ruud	Shimanski	Sviggum	Zellers
Olson	Peterson, N.	Seifert	Simpson	Wagenius	

Those who voted in the negative were:

Abeler	Faust	Johnson	Magnus	Paymar	Thissen
Anzelc	Fritz	Juhnke	Mahoney	Pelowski	Tillberry
Atkins	Hamilton	Kahn	Mariani	Peterson, A.	Tingelstad
Benson	Hansen	Kalin	Marquart	Peterson, S.	Tschumper
Bigham	Hausman	Knuth	Masin	Poppe	Urdahl
Bly	Haws	Koenen	Moe	Rukavina	Walker
Brown	Heidgerken	Kranz	Morgan	Sailer	Ward
Carlson	Hilstrom	Laine	Morrow	Scalze	Wardlow
Clark	Hilty	Lenczewski	Mullery	Sertich	Welti
Cornish	Hornstein	Lesch	Murphy, E.	Simon	Winkler
Dill	Hortman	Liebling	Murphy, M.	Slawik	Wollschlager
Dittrich	Hosch	Lieder	Nelson	Slocum	Spk. Kelliher
Dominguez	Howes	Lillie	Olin	Solberg	
Doty	Huntley	Loeffler	Otremba	Swails	
Eken	Jaros	Madore	Ozment	Thao	

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

Howes moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 4, line 8, after the period, insert "The final design for the pool must be approved by the legislature before any health plans may be offered to eligible employees."

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

Emmer moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 2, delete "seven" and insert "four"

Page 2, line 3, delete "and"

Page 2, line 5, delete the period and insert "; and"

Page 2, after line 5, insert:

"(3) the commissioners of commerce, health, and employee relations."

Page 2, line 6, delete "seven" and insert "four"

Page 2, line 7, delete "four members" and insert "one member each"

Page 2, line 8, delete "and one member each appointed by" and insert a comma

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 38 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Finstad	Kohls	Olson	Simpson
Anderson, S.	DeLaForest	Garofalo	Lanning	Paulsen	Westrom
Beard	Demmer	Gottwalt	Magnus	Peppin	Zellers
Berns	Dettmer	Hackbarth	McFarlane	Ruth	
Brynaert	Eastlund	Holberg	McNamara	Seifert	
Buesgens	Emmer	Hoppe	Nornes	Severson	
Bunn	Erickson	Howes	Norton	Shimanski	

Those who voted in the negative were:

Abeler	Eken	Hosch	Loeffler	Paymar	Sviggum
Anzelc	Erhardt	Huntley	Madore	Pelowski	Swails
Atkins	Faust	Jaros	Mahoney	Peterson, A.	Thao
Benson	Fritz	Johnson	Mariani	Peterson, N.	Thissen
Bigham	Gardner	Juhnke	Marquart	Peterson, S.	Tillberry
Bly	Greiling	Kahn	Masin	Poppe	Tingelstad
Brod	Gunther	Kalin	Moe	Rukavina	Tschumper
Brown	Hamilton	Knuth	Morgan	Ruud	Urdahl
Carlson	Hansen	Koenen	Morrow	Sailer	Wagenius
Clark	Hausman	Kranz	Mullery	Scalze	Walker
Cornish	Haws	Laine	Murphy, E.	Sertich	Ward
Davnie	Heidgerken	Lenczewski	Murphy, M.	Simon	Wardlow
Dill	Hilstrom	Lesch	Nelson	Slawik	Welti
Dittrich	Hilty	Liebling	Olin	Slocum	Winkler
Dominguez	Hornstein	Lieder	Otremba	Smith	Wollschlager
Doty	Hortman	Lillie	Ozment	Solberg	Spk. Kelliher

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

Hoppe moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 16, after the period, insert "A charter school may choose to opt out of being an eligible employer on a year-to-year basis."

A roll call was requested and properly seconded.

The question was taken on the Hoppe amendment and the roll was called. There were 43 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Bunn	Dettmer	Finstad	Holberg
Anderson, B.	Berns	Dean	Eastlund	Garofalo	Hoppe
Anderson, S.	Brod	DeLaForest	Emmer	Gottwalt	Hosch
Beard	Buesgens	Demmer	Erickson	Hackbarth	Kohls

Lanning	Norton	Ruth	Shimanski	Smith
McFarlane	Olson	Ruud	Simon	Westrom
McNamara	Paulsen	Seifert	Simpson	Zellers
Nornes	Peppin	Severson	Slocum	

Those who voted in the negative were:

Anzelc	Faust	Jaros	Magnus	Pelowski	Tingelstad
Atkins	Fritz	Johnson	Mahoney	Peterson, A.	Tschumper
Bigham	Gardner	Juhnke	Mariani	Peterson, N.	Urdahl
Bly	Greiling	Kahn	Marquart	Peterson, S.	Wagenius
Brown	Gunther	Kalin	Masin	Poppe	Walker
Brynaert	Hamilton	Knuth	Moe	Rukavina	Ward
Carlson	Hansen	Koenen	Morgan	Sailer	Wardlow
Clark	Hausman	Kranz	Morrow	Scalze	Welti
Cornish	Haws	Laine	Mullery	Sertich	Winkler
Davnie	Heidgerken	Lenczewski	Murphy, E.	Slawik	Wollschlager
Dill	Hilstrom	Lesch	Murphy, M.	Solberg	Spk. Kelliher
Dittrich	Hilty	Liebling	Nelson	Sviggum	
Dominguez	Hornstein	Lieder	Olin	Swails	
Doty	Hortman	Lillie	Otremba	Thao	
Eken	Howes	Loeffler	Ozment	Thissen	
Erhardt	Huntley	Madore	Paymar	Tillberry	

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

The Speaker called Thissen to the Chair.

Garofalo, Hoppe, Holberg and Buesgens moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, after line 36 insert:

"(k) The board shall not offer any health plan, enter into any contract, or incur any other financial obligation unless Education Minnesota has executed and delivered to the board a written guaranty commitment in which Education Minnesota assumes unconditional liability for the board's debts if the board becomes insolvent, and the board has accepted the guaranty commitment. The board shall not accept the guaranty commitment unless the commissioner of finance has approved the form, content, and execution of the guaranty commitment. This paragraph does not prohibit the board from incurring obligations for compensation and reimbursement of expenses of its members prior to receipt or acceptance of the guaranty commitment."

A roll call was requested and properly seconded.

The question was taken on the Garofalo et al amendment and the roll was called. There were 35 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berns	DeLaForest	Dittrich	Erickson	Gottwalt
Anderson, S.	Buesgens	Demmer	Eastlund	Finstad	Gunther
Beard	Dean	Detmer	Emmer	Garofalo	Hackbarth

Holberg	Kranz	McNamara	Peppin	Severson	Smith
Hoppe	Lanning	Olson	Ruth	Shimanski	Zellers
Kohls	Magnus	Paulsen	Seifert	Simpson	

Those who voted in the negative were:

Abeler	Eken	Huntley	Mariani	Pelowski	Thissen
Anzelc	Erhardt	Jaros	Marquart	Peterson, A.	Tillberry
Atkins	Faust	Johnson	Masin	Peterson, N.	Tingelstad
Benson	Fritz	Juhnke	McFarlane	Peterson, S.	Tschumper
Bigham	Gardner	Kahn	Moe	Poppe	Urdahl
Bly	Greiling	Kalin	Morgan	Rukavina	Wagenius
Brod	Hamilton	Knuth	Morrow	Ruud	Walker
Brown	Hansen	Koenen	Mullery	Sailer	Ward
Brynaert	Hausman	Laine	Murphy, E.	Scalze	Wardlow
Bunn	Haws	Lenczewski	Murphy, M.	Sertich	Welti
Carlson	Heidgerken	Lesch	Nelson	Simon	Westrom
Clark	Hilstrom	Liebling	Nornes	Slawik	Winkler
Cornish	Hilty	Lieder	Norton	Slocum	Wollschlager
Davnie	Hornstein	Lillie	Olin	Solberg	Spk. Kelliher
Dill	Hortman	Loeffler	Otremba	Sviggum	
Dominguez	Hosch	Madore	Ozment	Swails	
Doty	Howes	Mahoney	Paymar	Thao	

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

Westrom moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 26, after "board" insert ", except that an eligible employer that has been covered by plans offered by the board for three years may opt out of future participation in coverage offered by the board"

A roll call was requested and properly seconded.

The question was taken on the Westrom amendment and the roll was called. There were 42 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Finstad	Holberg	Nornes	Severson
Anderson, S.	DeLaForest	Gardner	Hoppe	Norton	Shimanski
Beard	Demmer	Garofalo	Hosch	Olson	Simpson
Berns	Dettmer	Gottwalt	Kohls	Paulsen	Slawik
Brynaert	Eastlund	Greiling	Lanning	Peppin	Smith
Buesgens	Emmer	Gunther	McFarlane	Ruth	Westrom
Bunn	Erickson	Hackbarth	McNamara	Seifert	Zellers

Those who voted in the negative were:

Abeler	Benson	Brod	Clark	Dill	Doty
Anzelc	Bigham	Brown	Cornish	Dittrich	Eken
Atkins	Bly	Carlson	Davnie	Dominguez	Erhardt

Faust	Jaros	Lillie	Murphy, M.	Sailer	Urdahl
Fritz	Johnson	Loeffler	Nelson	Scalze	Wagenius
Hamilton	Juhnke	Madore	Olin	Sertich	Walker
Hansen	Kahn	Magnus	Otremba	Simon	Ward
Hausman	Kalin	Mahoney	Ozment	Slocum	Wardlow
Haws	Knuth	Mariani	Paymar	Solberg	Welti
Heidgerken	Koenen	Marquart	Pelowski	Sviggum	Winkler
Hilstrom	Kranz	Masin	Peterson, A.	Swails	Wollschlager
Hilty	Laine	Moe	Peterson, N.	Thao	Spk. Kelliher
Hornstein	Lenczewski	Morgan	Peterson, S.	Thissen	
Hortman	Lesch	Morrow	Poppe	Tillberry	
Howes	Liebling	Mullery	Rukavina	Tingelstad	
Huntley	Lieder	Murphy, E.	Ruud	Tschumper	

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

Seifert moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 16, after the period, insert "A private school or a parent conducting a home school may choose to be an eligible employer."

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 8 yeas and 126 nays as follows:

Those who voted in the affirmative were:

Berns	Heidgerken	Hosch	Olson
Dittrich	Hoppe	Howes	Severson

Those who voted in the negative were:

Abeler	Dean	Greiling	Knuth	McFarlane	Peterson, A.
Anderson, B.	DeLaForest	Gunther	Koenen	McNamara	Peterson, N.
Anderson, S.	Demmer	Hackbarth	Kohls	Moe	Peterson, S.
Anzels	Dettmer	Hamilton	Kranz	Morgan	Poppe
Atkins	Dill	Hansen	Laine	Morrow	Rukavina
Beard	Dominguez	Hausman	Lanning	Mullery	Ruth
Benson	Doty	Haws	Lenczewski	Murphy, E.	Ruud
Bigham	Eastlund	Hilstrom	Lesch	Murphy, M.	Sailer
Bly	Eken	Hilty	Liebling	Nelson	Scalze
Brod	Emmer	Holberg	Lieder	Nornes	Seifert
Brown	Erhardt	Hornstein	Lillie	Norton	Sertich
Brynaert	Erickson	Hortman	Loeffler	Olin	Shimanski
Buesgens	Faust	Huntley	Madore	Otremba	Simon
Bunn	Finstad	Jaros	Magnus	Ozment	Simpson
Carlson	Fritz	Johnson	Mahoney	Paulsen	Slawik
Clark	Gardner	Juhnke	Mariani	Paymar	Slocum
Cornish	Garofalo	Kahn	Marquart	Pelowski	Smith
Davnie	Gottwalt	Kalin	Masin	Peppin	Solberg

Sviggum	Thissen	Tschumper	Walker	Welti	Wollschlager
Swails	Tillberry	Urdahl	Ward	Westrom	Zellers
Thao	Tingelstad	Wagenius	Wardlow	Winkler	Spk. Kelliher

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

Gottwalt moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, after line 36, insert:

"(k) The board must offer a health plan that includes long-term care."

A roll call was requested and properly seconded.

The question was taken on the Gottwalt amendment and the roll was called. There were 34 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Finstad	Hoppe	Paulsen	Smith
Anderson, S.	Demmer	Garofalo	Kohls	Peppin	Thissen
Beard	Dettmer	Gottwalt	Lanning	Ruth	Urdahl
Berns	Eastlund	Hackbarth	McFarlane	Seifert	Westrom
Buesgens	Emmer	Haws	Nornes	Severson	
Dean	Erickson	Heidgerken	Olson	Shimanski	

Those who voted in the negative were:

Abeler	Doty	Howes	Madore	Ozment	Sviggum
Anzelc	Eken	Huntley	Magnus	Paymar	Swails
Atkins	Erhardt	Jaros	Mahoney	Pelowski	Thao
Benson	Faust	Johnson	Mariani	Peterson, A.	Tillberry
Bigham	Fritz	Juhnke	Marquart	Peterson, N.	Tingelstad
Bly	Gardner	Kahn	Masin	Peterson, S.	Tschumper
Brod	Greiling	Kalin	McNamara	Poppe	Wagenius
Brown	Gunther	Knuth	Moe	Rukavina	Walker
Brynaert	Hamilton	Koenen	Morgan	Ruud	Ward
Bunn	Hansen	Kranz	Morrow	Sailer	Wardlow
Carlson	Hausman	Laine	Mullery	Scalze	Welti
Clark	Hilstrom	Lenczewski	Murphy, E.	Sertich	Winkler
Cornish	Hilty	Lesch	Murphy, M.	Simon	Wollschlager
Davnie	Holberg	Liebling	Nelson	Simpson	Zellers
Dill	Hornstein	Lieder	Norton	Slawik	Spk. Kelliher
Dittrich	Hortman	Lillie	Olin	Slocum	
Dominguez	Hosch	Loeffler	Otremba	Solberg	

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

Seifert offered an amendment to H. F. No. 464, the second engrossment, as amended.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Seifert amendment was not in order. Speaker pro tempore Thissen ruled the point of order well taken and the Seifert amendment out of order.

Seifert appealed the decision of Speaker pro tempore Thissen.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Westrom and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Dittrich	Hilty	Lillie	Paulsen	Solberg
Anderson, B.	Dominguez	Holberg	Loeffler	Paymar	Sviggum
Anderson, S.	Doty	Hoppe	Madore	Pelowski	Swails
Anzelc	Eastlund	Hornstein	Magnus	Peppin	Thao
Atkins	Eken	Hosch	Mahoney	Peterson, A.	Thissen
Beard	Emmer	Howes	Mariani	Peterson, N.	Tillberry
Berns	Erickson	Huntley	Marquart	Peterson, S.	Tingelstad
Bigham	Faust	Jaros	Masin	Poppe	Tschumper
Bly	Finstad	Johnson	McFarlane	Rukavina	Urdahl
Brod	Fritz	Juhnke	McNamara	Ruth	Wagenius
Brown	Gardner	Kahn	Moe	Ruud	Walker
Brynaert	Garofalo	Kalin	Morgan	Sailer	Ward
Buesgens	Gottwalt	Knuth	Morrow	Scalze	Wardlow
Bunn	Greiling	Koenen	Murphy, E.	Seifert	Welti
Carlson	Gunther	Kohls	Murphy, M.	Sertich	Westrom
Clark	Hackbarth	Kranz	Nelson	Severson	Winkler
Cornish	Hamilton	Laine	Nornes	Shimanski	Wollschlager
Davnie	Hansen	Lanning	Norton	Simon	Zellers
Dean	Hausman	Lenczewski	Olin	Simpson	Spk. Kelliher
DeLaForest	Haws	Lesch	Olson	Slawik	
Demmer	Heidgerken	Liebling	Otremba	Slocum	
Dill	Hilstrom	Lieder	Ozment	Smith	

Seifert moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The vote was taken on the question "Shall the decision of Speaker pro tempore Thissen stand as the judgment of the House?" and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 84 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anzelc	Erhardt	Huntley	Loeffler	Otremba	Slawik
Atkins	Faust	Jaros	Madore	Ozment	Slocum
Benson	Fritz	Johnson	Mahoney	Paymar	Solberg
Bigham	Gardner	Juhnke	Mariani	Pelowski	Swails
Bly	Greiling	Kahn	Marquart	Peterson, A.	Thao
Brown	Hansen	Kalin	Masin	Peterson, N.	Thissen
Brynaert	Hausman	Knuth	Moe	Peterson, S.	Tillberry
Carlson	Haws	Koenen	Morgan	Poppe	Tschumper
Clark	Hilstrom	Laine	Morrow	Rukavina	Wagenius
Davnie	Hilty	Lenczewski	Murphy, E.	Ruud	Walker
Dill	Hornstein	Lesch	Murphy, M.	Sailer	Ward
Dominguez	Hortman	Liebling	Nelson	Scalze	Winkler
Doty	Hosch	Lieder	Norton	Sertich	Wollschlager
Eken	Howes	Lillie	Olin	Simon	Spk. Kelliher

Those who voted in the negative were:

Abeler	Dean	Garofalo	Kranz	Ruth	Wardlow
Anderson, B.	DeLaForest	Gottwalt	Lanning	Seifert	Welti
Anderson, S.	Demmer	Gunther	Magnus	Severson	Westrom
Beard	Dettmer	Hackbarth	McFarlane	Shimanski	Zellers
Berns	Dittrich	Hamilton	McNamara	Simpson	
Brod	Eastlund	Heidgerken	Nornes	Smith	
Buesgens	Emmer	Holberg	Olson	Sviggum	
Bunn	Erickson	Hoppe	Paulsen	Tingelstad	
Cornish	Finstad	Kohls	Peppin	Urdahl	

So it was the judgment of the House that the decision of Speaker pro tempore Thissen should stand.

Seifert moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, line 8, after the period, insert "The premium rates must not increase by more than 25 percent in any two-year period."

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 50 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Finstad	Kalin	Otremba	Tingelstad
Anderson, B.	DeLaForest	Garofalo	Kohls	Paulsen	Urdahl
Anderson, S.	Demmer	Gottwalt	Lanning	Peppin	Wardlow
Beard	Dettmer	Hackbarth	Magnus	Ruth	Westrom
Berns	Eastlund	Hamilton	McFarlane	Seifert	Zellers
Brod	Eken	Haws	McNamara	Severson	
Buesgens	Emmer	Heidgerken	Morrow	Shimanski	
Bunn	Erickson	Hoppe	Nornes	Simpson	
Cornish	Faust	Hosch	Olson	Smith	

Those who voted in the negative were:

Anzelc	Fritz	Johnson	Mahoney	Pelowski	Sviggum
Atkins	Gardner	Juhnke	Mariani	Peterson, A.	Swails
Benson	Greiling	Kahn	Marquart	Peterson, N.	Thao
Bigham	Gunther	Knuth	Masin	Peterson, S.	Thissen
Bly	Hansen	Koenen	Moe	Poppe	Tillberry
Brown	Hausman	Kranz	Morgan	Rukavina	Tschumper
Carlson	Hilstrom	Laine	Mullery	Ruud	Wagenius
Clark	Hilty	Lenczewski	Murphy, E.	Sailer	Walker
Davnie	Holberg	Lesch	Murphy, M.	Scalze	Ward
Dill	Hornstein	Liebling	Nelson	Sertich	Welti
Dittrich	Hortman	Lieder	Norton	Simon	Winkler
Dominguez	Howes	Lillie	Olin	Slawik	Wollschlager
Doty	Huntley	Loeffler	Ozment	Slocum	Spk. Kelliher
Erhardt	Jaros	Madore	Paymar	Solberg	

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

CALL OF THE HOUSE LIFTED

Emmer moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Dean moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 24, delete everything after "coverage"

Page 2, line 25, delete everything before the comma and delete "or purchased"

A roll call was requested and properly seconded.

The question was taken on the Dean amendment and the roll was called. There were 38 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berns	Bunn	Demmer	Emmer	Garofalo
Anderson, S.	Brod	Dean	Dettmer	Erickson	Gottwalt
Beard	Buesgens	DeLaForest	Eastlund	Finstad	Hackbarth

Holberg	Lanning	Olson	Ruud	Simpson
Hoppe	McFarlane	Paulsen	Seifert	Smith
Howes	McNamara	Peppin	Severson	Westrom
Kohls	Nornes	Ruth	Shimanski	Zellers

Those who voted in the negative were:

Abeler	Eken	Hosch	Madore	Paymar	Thao
Anzelc	Erhardt	Huntley	Magnus	Pelowski	Thissen
Atkins	Faust	Jaros	Mahoney	Peterson, A.	Tillberry
Benson	Fritz	Johnson	Mariani	Peterson, N.	Tingelstad
Bigham	Gardner	Juhnke	Marquart	Peterson, S.	Tschumper
Bly	Greiling	Kalin	Masin	Poppe	Urdahl
Brown	Gunther	Knuth	Moe	Rukavina	Wagenius
Brynaert	Hamilton	Koenen	Morgan	Sailer	Walker
Carlson	Hansen	Kranz	Morrow	Scalze	Ward
Clark	Hausman	Laine	Mullery	Sertich	Wardlow
Cornish	Haws	Lenczewski	Murphy, E.	Simon	Welti
Davnie	Heidgerken	Lesch	Nelson	Slawik	Winkler
Dill	Hilstrom	Liebling	Norton	Slocum	Wollschlager
Dittrich	Hilty	Lieder	Olin	Solberg	Spk. Kelliher
Dominguez	Hornstein	Lillie	Otremba	Sviggum	
Doty	Hortman	Loeffler	Ozment	Swails	

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

Brod moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 43A.24, subdivision 2, is amended to read:

Subd. 2. **Other eligible persons.** The following persons are eligible for state paid life insurance and hospital, medical, and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the Board of Regents for employees of the University of Minnesota not covered by collective bargaining agreements. Coverages made available, including optional coverages, are as contained in the plan established pursuant to section 43A.18, subdivision 2:

(a) a member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner. The waiver shall not prohibit the member from enrolling the member or dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical, and dental benefits to which the position is entitled;

(b) an employee of the legislature or an employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session, as determined by the Legislative Coordinating Commission;

(c) a judge of the appellate courts or an officer or employee of these courts; a judge of the district court, a judge of county court, or a judge of county municipal court; a district court referee, judicial officer, court reporter, or law clerk; a district administrator; an employee of the Office of the District Administrator that is not in the Second or Fourth Judicial District; a court administrator or employee of the court administrator in a judicial district under section 480.181, subdivision 1, paragraph (b), and a guardian ad litem program employee;

(d) a salaried employee of the Public Employees Retirement Association;

(e) a full-time military or civilian officer or employee in the unclassified service of the Department of Military Affairs whose salary is paid from state funds;

(f) a salaried employee of the Minnesota Historical Society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) an employee of the regents of the University of Minnesota;

(h) notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982, and is covered by the Minnesota State Retirement System correctional employee retirement plan or the State Patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which the employee was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program;

(i) an employee of an agency of the state of Minnesota identified through the process provided in this paragraph who is eligible to retire prior to age 65. The commissioner and the exclusive representative of state employees shall enter into agreements under section 179A.22 to identify employees whose positions are in programs that are being permanently eliminated or reduced due to federal or state policies or practices. Failure to reach agreement identifying these employees is not subject to impasse procedures provided in chapter 179A. The commissioner must prepare a plan identifying eligible employees not covered by a collective bargaining agreement in accordance with the process outlined in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires when the person terminates active employment in state service and applies for a retirement annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of the month in which the retired employee chooses not to receive an annuity, or the employee is eligible for employer-paid health insurance from a new employer. The retired employees shall be eligible for coverages to which they were entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they retired, provided that the retired employees shall not be eligible for state-paid life insurance;

(j) employees of the state Board of Public Defense, with eligibility determined by the state Board of Public Defense in consultation with the commissioner of employee relations; ~~and~~

(k) employees of supporting organizations of Minnesota Technology, Inc., established after July 1, 2003, under section 116O.05, subdivision 4, as paid for by the supporting organization; and

(l) employees of school districts as defined in section 120A.05, at the option of the school district, provided that coverage for employees included in this paragraph is not state-paid.

EFFECTIVE DATE. This section is effective July 1, 2008."

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 58 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Gardner	Jaros	Nornes	Shimanski
Anderson, S.	DeLaForest	Garofalo	Kohls	Norton	Simpson
Beard	Demmer	Gottwalt	Lanning	Olson	Slawik
Berns	Dettmer	Greiling	Lillie	Otremba	Smith
Brod	Doty	Gunther	Loeffler	Paulsen	Sviggum
Brynaert	Eastlund	Hackbarth	Mariani	Peppin	Ward
Buesgens	Eken	Haws	McFarlane	Poppe	Westrom
Bunn	Emmer	Holberg	McNamara	Ruth	Zellers
Cornish	Erickson	Hoppe	Morrow	Seifert	
Davnie	Finstad	Hosch	Mullery	Severson	

Those who voted in the negative were:

Abeler	Faust	Juhnke	Mahoney	Peterson, N.	Tillberry
Anzelc	Fritz	Kahn	Marquart	Peterson, S.	Tingelstad
Atkins	Hamilton	Kalin	Masin	Rukavina	Tschumper
Benson	Hansen	Knuth	Moe	Ruud	Urdahl
Bigham	Hausman	Koenen	Morgan	Sailer	Wagenius
Bly	Heidgerken	Kranz	Murphy, E.	Scalze	Walker
Brown	Hilstrom	Laine	Murphy, M.	Sertich	Wardlow
Carlson	Hilty	Lenczewski	Nelson	Simon	Welti
Clark	Hornstein	Lesch	Olin	Slocum	Winkler
Dill	Hortman	Liebling	Ozment	Solberg	Wollschlager
Dittrich	Howes	Lieder	Paymar	Swails	Spk. Kelliher
Dominguez	Huntley	Madore	Pelowski	Thao	
Erhardt	Johnson	Magnus	Peterson, A.	Thissen	

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

Emmer moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 4, delete lines 10 to 12

Page 4, line 13, delete "8" and insert "7"

Page 4, line 20, delete "9" and insert "8"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Scalze was excused between the hours of 6:45 p.m. and 9:45 p.m.

Kohls moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, after line 36, insert:

"(k) When a pool plan is self-insured, no more than 12 percent of all revenues shall be used for administrative expenses."

A roll call was requested and properly seconded.

The question was taken on the Kohls amendment and the roll was called. There were 51 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Faust	Kalin	Norton	Smith
Anderson, B.	DeLaForest	Finstad	Kohls	Olson	Tingelstad
Anderson, S.	Demmer	Garofalo	Kranz	Paulsen	Tschumper
Beard	Dettmer	Gottwalt	Lanning	Peppin	Wardlow
Berns	Dittrich	Hackbarth	Lenczewski	Ruth	Westrom
Brod	Doty	Hamilton	Magnus	Seifert	Zellers
Brynaert	Eastlund	Haws	McFarlane	Severson	
Buesgens	Emmer	Holberg	McNamara	Shimanski	
Bunn	Erickson	Hoppe	Nornes	Simpson	

Those who voted in the negative were:

Anzelc	Fritz	Jaros	Mariani	Peterson, A.	Thao
Atkins	Gardner	Johnson	Marquart	Peterson, N.	Thissen
Benson	Greiling	Juhnke	Masin	Peterson, S.	Tillberry
Bigham	Gunther	Kahn	Moe	Poppe	Urdahl
Bly	Hansen	Knuth	Morgan	Rukavina	Wagenius
Brown	Hausman	Koenen	Morrow	Ruud	Walker
Carlson	Heidgerken	Laine	Murphy, E.	Sailer	Ward
Clark	Hilstrom	Lesch	Murphy, M.	Sertich	Welti
Cornish	Hilty	Liebling	Nelson	Simon	Winkler
Davnie	Hornstein	Lieder	Olin	Slawik	Wollschlager
Dill	Hortman	Lillie	Otremba	Slocum	Spk. Kelliher
Dominguez	Hosch	Loeffler	Ozment	Solberg	
Eken	Howes	Madore	Paymar	Sviggum	
Erhardt	Huntley	Mahoney	Pelowski	Swails	

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

Demmer offered an amendment to H. F. No. 464, the second engrossment, as amended.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Demmer amendment was not in order. Speaker pro tempore Thissen ruled the point of order well taken and the Demmer amendment out of order.

Seifert appealed the decision of Speaker pro tempore Thissen.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Thissen stand as the judgment of the House?" and the roll was called. There were 88 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Howes	Lillie	Olin	Solberg
Atkins	Erhardt	Huntley	Loeffler	Otremba	Swails
Benson	Faust	Jaros	Madore	Paymar	Thao
Bigham	Fritz	Johnson	Mahoney	Pelowski	Thissen
Bly	Gardner	Juhnke	Mariani	Peterson, A.	Tillberry
Brown	Greiling	Kahn	Marquart	Peterson, N.	Tschumper
Brynaert	Gunther	Kalin	Masin	Peterson, S.	Wagenius
Bunn	Hansen	Knuth	Moe	Poppe	Walker
Carlson	Hausman	Koenen	Morgan	Rukavina	Ward
Clark	Haws	Kranz	Morrow	Ruud	Welti
Davnie	Hilstrom	Laine	Mullery	Sailer	Winkler
Dill	Hilty	Lenczewski	Murphy, E.	Sertich	Wollschlager
Dittrich	Hornstein	Lesch	Murphy, M.	Simon	Spk. Kelliher
Dominguez	Hortman	Liebling	Nelson	Slawik	
Doty	Hosch	Lieder	Norton	Slocum	

Those who voted in the negative were:

Abeler	Dean	Garofalo	Lanning	Ruth	Wardlow
Anderson, B.	DeLaForest	Gottwalt	Magnus	Seifert	Westrom
Anderson, S.	Demmer	Hackbarth	McFarlane	Severson	Zellers
Beard	Dettmer	Hamilton	McNamara	Shimanski	
Berns	Eastlund	Heidgerken	Nornes	Simpson	
Brod	Emmer	Holberg	Olson	Smith	
Buesgens	Erickson	Hoppe	Paulsen	Tingelstad	
Cornish	Finstad	Kohls	Peppin	Urdahl	

So it was the judgment of the House that the decision of Speaker pro tempore Thissen should stand.

H. F. No. 464, as amended, was read for the third time.

Seifert moved that H. F. No. 464, the second engrossment, as amended, be re-referred to the Committee on E-12 Education.

A roll call was requested and properly seconded.

The question was taken on the Seifert motion and the roll was called. There were 41 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Erickson	Hoppe	Olson	Severson
Anderson, S.	DeLaForest	Finstad	Kohls	Paulsen	Shimanski
Beard	Demmer	Gardner	Lanning	Peppin	Simpson
Berns	Dettmer	Garofalo	Magnus	Peterson, N.	Sviggum
Brod	Eastlund	Gottwalt	McFarlane	Ruth	Westrom
Buesgens	Emmer	Hackbarth	McNamara	Ruud	Zellers
Cornish	Erhardt	Holberg	Nornes	Seifert	

Those who voted in the negative were:

Abeler	Eken	Huntley	Madore	Paymar	Tillberry
Anzelc	Faust	Jaros	Mahoney	Pelowski	Tingelstad
Atkins	Fritz	Johnson	Mariani	Peterson, A.	Tschumper
Benson	Greiling	Juhnke	Marquart	Peterson, S.	Urdahl
Bigham	Gunther	Kahn	Masin	Poppe	Wagenius
Bly	Hamilton	Kalin	Moe	Rukavina	Walker
Brown	Hansen	Knuth	Morgan	Sailer	Ward
Brynaert	Hausman	Koenen	Morrow	Sertich	Wardlow
Bunn	Haws	Kranz	Mullery	Simon	Welti
Carlson	Heidgerken	Laine	Murphy, E.	Slawik	Winkler
Clark	Hilstrom	Lenczewski	Murphy, M.	Slocum	Wollschlager
Davnie	Hilty	Lesch	Nelson	Smith	Spk. Kelliher
Dill	Hornstein	Liebling	Norton	Solberg	
Dittrich	Hortman	Lieder	Olin	Swails	
Dominguez	Hosch	Lillie	Otremba	Thao	
Doty	Howes	Loeffler	Ozment	Thissen	

The motion did not prevail.

Seifert moved that H. F. No. 464, the second engrossment, as amended, be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections. The motion did not prevail.

H. F. No. 464, A bill for an act relating to insurance; creating a statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2006, sections 3.971, subdivision 6; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 81 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler	Faust	Huntley	Magnus	Paymar	Thissen
Anzelc	Fritz	Jaros	Mahoney	Pelowski	Tillberry
Atkins	Gunther	Johnson	Mariani	Peterson, A.	Tingelstad
Bigham	Hamilton	Juhnke	Marquart	Peterson, N.	Tschumper
Bly	Hansen	Kalin	Masin	Peterson, S.	Urdahl
Brown	Hausman	Knuth	Moe	Poppe	Walker
Carlson	Haws	Koenen	Morgan	Rukavina	Ward
Clark	Heidgerken	Kranz	Murphy, E.	Sailer	Wardlow
Cornish	Hilstrom	Laine	Murphy, M.	Sertich	Welti
Dill	Hilty	Lenczewski	Nelson	Slocum	Wollschlager
Dittrich	Hornstein	Lesch	Nornes	Solberg	Spk. Kelliher
Dominguez	Hortman	Liebling	Olin	Sviggum	
Doty	Hosch	Lieder	Otremba	Swails	
Eken	Howes	Madore	Ozment	Thao	

Those who voted in the negative were:

Anderson, B.	Davnie	Finstad	Kohls	Olson	Simpson
Anderson, S.	Dean	Gardner	Lanning	Paulsen	Slawik
Beard	DeLaForest	Garofalo	Lillie	Peppin	Smith
Benson	Demmer	Gottwalt	Loeffler	Ruth	Wagenius
Berns	Dettmer	Greiling	McFarlane	Ruud	Westrom
Brod	Eastlund	Hackbarth	McNamara	Seifert	Winkler
Brynaert	Emmer	Holberg	Morrow	Severson	Zellers
Buesgens	Erhardt	Hoppe	Mullery	Shimanski	
Bunn	Erickson	Kahn	Norton	Simon	

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

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Juhnke.

Sviggum was excused between the hours of 9:45 p.m. and 10:00 p.m.

Winkler was excused between the hours of 9:45 p.m. and 10:15 p.m.

Huntley was excused for the remainder of today's session.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1351, A bill for an act relating to transportation; modifying or adding provisions related to geotechnical investigations before eminent domain proceedings, the highway sign franchise program, streets and highways, highway safety rest areas, highway construction bids and training, town road abandonment, bridges, special mobile equipment, motor vehicle titles, motor vehicle transfers, traffic regulations, flammable liquid definition, drivers' licenses and identification cards, driver records and education, the Real ID Act, traffic-control signals, transportation goals and mission, statewide transportation plan, metropolitan transportation system performance evaluations, transportation contracts, rail service improvement, use of rail bank property, local airports, towing, vehicle impoundments, transit and paratransit, special transportation, small vehicle passenger service, transportation accessibility, transit ways and facilities, light rail transit, vehicle license plates, vehicle size and weight restrictions, vehicle load limits and permits, paper product vehicle routes and permits, definition of full-size pickup truck, vehicle idle reduction technology, commercial vehicles and drivers, vehicle registration, insurance requirements for vehicles owned by charitable organizations, the Unified Carrier Registration Agreement, household goods movers, obsolete motor carrier laws and conforming changes, railroad company requirements, the position of state rail safety inspector, and the Railroad Walkways Safety Act; requiring studies and reports; imposing penalties; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2006, sections 117.041, by adding a subdivision; 160.02, subdivision 19, by adding a subdivision; 160.80; 161.14, subdivision 18, by adding subdivisions; 161.32, subdivisions 1, 1b, 4; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.01, by adding a subdivision; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.087, subdivision 1, by adding a subdivision; 169.01, subdivisions 4c, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.14, subdivision 2, by adding subdivisions; 169.34; 169.471, subdivision 1; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivision 2; 169.8261; 169.86, subdivision 5, by adding a subdivision; 169.862; 169.864, subdivisions 1, 2; 169.87, subdivision 4; 171.01, by adding a subdivision; 171.02, subdivision 1; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.12, subdivision 6; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding subdivisions; 174.24, subdivision 2a; 174.255, by adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9; 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031, subdivisions 1, 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091, subdivision 2; 221.131; 221.132; 221.141, subdivisions 1, 4; 221.185; 221.221, subdivision 3; 221.231; 221.291, subdivision 4; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a subdivision; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivisions 1, 3, by adding a subdivision; 473.3994; 473.3997; 473.4051; 473.408, by adding subdivisions; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, 7; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141,

subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; 473.3994, subdivision 13; Laws 1999, chapter 230, section 44.

The Senate has appointed as such committee:

Senators Murphy, Rest, Jungbauer, Carlson and Skoe.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1758, A bill for an act relating to commerce; regulating access devices; establishing liability for security breaches; providing enforcement powers; proposing coding for new law in Minnesota Statutes, chapter 325E.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Davnie moved that the House concur in the Senate amendments to H. F. No. 1758 and that the bill be repassed as amended by the Senate.

CALL OF THE HOUSE

On the motion of Emmer and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Dittrich	Hornstein	Loeffler	Ozment	Swails
Anderson, B.	Dominguez	Hortman	Madore	Paulsen	Thao
Anzelc	Doty	Hosch	Mahoney	Paymar	Thissen
Benson	Eken	Johnson	Mariani	Peppin	Tillberry
Berns	Emmer	Juhnke	Marquart	Peterson, A.	Tschumper
Bigham	Faust	Kahn	Masin	Peterson, S.	Wagenius
Bly	Finstad	Kalin	Moe	Ruud	Walker
Brod	Fritz	Knuth	Morgan	Sailer	Ward
Brown	Gardner	Koenen	Morrow	Scalze	Welti
Brynaert	Greiling	Kohls	Mullery	Seifert	Wollschlager
Bunn	Gunther	Kranz	Murphy, E.	Sertich	Zellers
Carlson	Hansen	Laine	Murphy, M.	Shimanski	Spk. Kelliher
Clark	Hausman	Lanning	Nelson	Simpson	
Davnie	Haws	Lesch	Nornes	Slawik	
DeLaForest	Heidgerken	Liebling	Norton	Slocum	
Dettmer	Hilty	Lieder	Olin	Smith	
Dill	Hoppe	Lillie	Otremba	Solberg	

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Davnie motion that the House concur in the Senate amendments to H. F. No. 1758 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1758, A bill for an act relating to commerce; regulating access devices; establishing liability for security breaches; providing enforcement powers; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

Solberg moved that those not voting be excused from voting. The motion prevailed.

There were 122 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Holberg	Lillie	Paulsen	Smith
Anderson, S.	Doty	Hoppe	Loeffler	Paymar	Solberg
Anzelc	Eastlund	Hornstein	Madore	Pelowski	Swails
Atkins	Eken	Hortman	Magnus	Peppin	Thao
Beard	Erhardt	Hosch	Mahoney	Peterson, A.	Thissen
Benson	Erickson	Howes	Mariani	Peterson, N.	Tillberry
Berns	Faust	Jaros	Marquart	Peterson, S.	Tingelstad
Bigham	Finstad	Johnson	Masin	Poppe	Tschumper
Bly	Fritz	Juhnke	McFarlane	Rukavina	Urdahl
Brod	Gardner	Kahn	Moe	Ruth	Wagenius
Brown	Garofalo	Kalin	Morgan	Ruud	Walker
Brynaert	Gottwalt	Knuth	Morrow	Sailer	Ward
Bunn	Greiling	Koenen	Mullery	Scalze	Wardlow
Carlson	Gunther	Kohls	Murphy, E.	Seifert	Wolti
Clark	Hamilton	Kranz	Murphy, M.	Sertich	Wollschlager
Davnie	Hansen	Laine	Nelson	Severson	Zellers
DeLaForest	Hausman	Lanning	Nornes	Shimanski	Spk. Kelliher
Demmer	Haws	Lenczewski	Norton	Simon	
Dettmer	Heidgerken	Lesch	Olin	Simpson	
Dill	Hilstrom	Liebling	Otremba	Slawik	
Dittrich	Hilty	Lieder	Ozment	Slocum	

Those who voted in the negative were:

Anderson, B.	Buesgens	Emmer	Hackbarth
--------------	----------	-------	-----------

The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1085.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. No. 1085

A bill for an act relating to health and the environment; prohibiting the sale of certain mercury-containing products; modifying restrictions on the sale, use, and disposal of certain mercury-containing products; requiring certain consumer information; modifying lamp recycling facility operation requirements; amending Minnesota Statutes 2006, sections 115A.932, subdivision 1; 116.92, subdivisions 3, 7a, by adding subdivisions; 116.93, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116; 121A.

May 8, 2007

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1085 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1085 be further amended as follows:

Page 3, line 14, after the semicolon, insert "and"

Page 3, delete line 15

Page 3, line 16, delete "(3)" and insert "(2)"

Page 3, after line 18, insert:

"(c) A television or radio advertisement regarding fluorescent and high-intensity discharge lamps containing mercury must prominently convey the information that the lamps contain mercury and must be recycled."

Page 7, after line 14, insert:

"Sec. 17. [325E.127] NOTICE FOR FLUORESCENT LAMPS CONTAINING MERCURY.

(a) A person who sells fluorescent lamps at retail must post the notice in paragraph (b) in a manner clearly visible to a consumer examining fluorescent lamps offered for sale.

(b) The notice must be in 36-point type or larger and state:

"Fluorescent bulbs save energy and reduce environmental pollution. Note: Fluorescent bulbs contain a small amount of mercury and must be recycled at the end of their use. Contact your county or utility for recycling options."

(c) A retailer may include additional language in the notice in order to promote the sale of fluorescent lamps, provided that the language in paragraph (b) is present.

EFFECTIVE DATE. This section is effective July 1, 2008.

Sec. 18. **CONSUMER EDUCATION REGARDING FLUORESCENT BULBS.**

Before July 1, 2008, the legislature shall examine and consider alternative methods to those established in Minnesota Statutes, section 325E.127, to educate consumers about the presence of mercury in fluorescent lamps and the requirement that they be recycled, and shall proceed to enact methods deemed to be effective."

Amend the title as follows:

Page 1, line 5, after the second semicolon, insert "providing for consumer education regarding fluorescent bulbs;"

Correct the title numbers accordingly

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

Senate Conferees: JOHN MARTY, RON LATZ AND MICHELLE L. FISCHBACH.

House Conferees: MELISSA HORTMAN, AUGUSTINE "WILLIE" DOMINGUEZ AND JIM ABELER.

Hortman moved that the report of the Conference Committee on S. F. No. 1085 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1085, A bill for an act relating to health and the environment; prohibiting the sale of certain mercury-containing products; modifying restrictions on the sale, use, and disposal of certain mercury-containing products; requiring certain consumer information; modifying lamp recycling facility operation requirements; amending Minnesota Statutes 2006, sections 115A.932, subdivision 1; 116.92, subdivisions 3, 7a, by adding subdivisions; 116.93, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116; 121A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

Solberg moved that those not voting be excused from voting. The motion prevailed.

There were 111 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hornstein	Loeffler	Otremba	Slocum
Anderson, S.	Dominguez	Hortman	Madore	Ozment	Smith
Anzelc	Doty	Hosch	Magnus	Paulsen	Solberg
Atkins	Eken	Howes	Mahoney	Paymar	Swails
Benson	Erhardt	Jaros	Mariani	Pelowski	Thao
Berns	Faust	Johnson	Marquart	Peterson, A.	Thissen
Bigham	Finstad	Juhnke	Masin	Peterson, N.	Tillberry
Bly	Fritz	Kahn	McFarlane	Peterson, S.	Tingelstad
Brod	Gardner	Kalin	McNamara	Poppe	Tschumper
Brown	Gottwalt	Knuth	Moe	Rukavina	Urdahl
Brynaert	Greiling	Koenen	Morgan	Ruth	Wagenius
Bunn	Gunther	Kranz	Morrow	Ruud	Walker
Carlson	Hamilton	Laine	Mullery	Sailer	Ward
Clark	Hansen	Lanning	Murphy, E.	Scalze	Welti
Cornish	Hausman	Lenczewski	Murphy, M.	Seifert	Wollschlager
Davnie	Haws	Lesch	Nelson	Sertich	Spk. Kelliher
Dean	Heidgerken	Liebling	Nornes	Severson	
Demmer	Hilstrom	Lieder	Norton	Simon	
Dill	Hilty	Lillie	Olin	Slawik	

Those who voted in the negative were:

Anderson, B.	Dettmer	Garofalo	Kohls	Sviggum
Beard	Eastlund	Hackbarth	Peppin	Wardlow
Buesgens	Emmer	Holberg	Shimanski	Westrom
DeLaForest	Erickson	Hoppe	Simpson	Zellers

The bill was repassed, as amended by Conference, and its title agreed to.

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1165.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. No. 1165

A bill for an act relating to the open meeting law; authorizing meetings by telephone or other electronic means under certain conditions; amending Minnesota Statutes 2006, section 13D.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13D.

May 15, 2007

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1165 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendments.

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

Senate Conferees: RICK E. OLSEEN, MARY A. OLSON AND WARREN LIMMER.

House Conferees: ANDY WELTI, STEVE SIMON AND ROD HAMILTON.

Welti moved that the report of the Conference Committee on S. F. No. 1165 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1165, A bill for an act relating to the open meeting law; authorizing meetings by telephone or other electronic means under certain conditions; amending Minnesota Statutes 2006, section 13D.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13D.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Brod	Demmer	Faust	Hansen	Hosch
Anderson, B.	Brown	Dill	Finstad	Hausman	Howes
Anderson, S.	Brynaert	Dittrich	Fritz	Haws	Jaros
Anzelc	Buesgens	Dominguez	Gardner	Heidgerken	Johnson
Atkins	Bunn	Doty	Garofalo	Hilstrom	Juhnke
Beard	Carlson	Eastlund	Gottwalt	Hilty	Kahn
Benson	Clark	Eken	Greiling	Holberg	Kalin
Berns	Cornish	Emmer	Gunther	Hoppe	Knuth
Bigham	Davnie	Erhardt	Hackbarth	Hornstein	Koenen
Bly	Dean	Erickson	Hamilton	Hortman	Kohls

Kranz	Mariani	Nornes	Poppe	Slawik	Wagenius
Laine	Marquart	Norton	Rukavina	Slocum	Walker
Lanning	Masin	Olin	Ruth	Smith	Ward
Lenczewski	McFarlane	Otremba	Ruud	Solberg	Wardlow
Lesch	McNamara	Ozment	Sailer	Sviggum	Welti
Liebling	Moe	Paulsen	Scalze	Swails	Westrom
Lieder	Morgan	Paymar	Seifert	Thao	Wollschlager
Lillie	Morrow	Pelowski	Sertich	Thissen	Zellers
Loeffler	Mullery	Peppin	Severson	Tillberry	Spk. Kelliher
Madore	Murphy, E.	Peterson, A.	Shimanski	Tingelstad	
Magnus	Murphy, M.	Peterson, N.	Simon	Tschumper	
Mahoney	Nelson	Peterson, S.	Simpson	Urdahl	

Those who voted in the negative were:

DeLaForest Dettmer

The bill was repassed, as amended by Conference, and its title agreed to.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 167, A bill for an act relating to unemployment insurance; making various policy, housekeeping, and style changes to the Minnesota Unemployment Insurance Law; incorporating certain administrative rules into Minnesota Statutes; modifying fraud penalties; extending certain unemployment benefits; amending Minnesota Statutes 2006, sections 268.001; 268.03, subdivisions 1, 2; 268.035, subdivisions 1, 4, 9, 10, 11, 12, 13, 14, 15, 17, 20, 21a, 23, 23a, 24, 26, 29, 30, by adding a subdivision; 268.042, subdivisions 1, 3, 4; 268.043; 268.0435; 268.044, subdivisions 1, 1a, 2, 3, 4; 268.045, subdivision 1; 268.046; 268.047, subdivisions 1, 2, 3, 5; 268.051, subdivisions 1, 1a, 2, 3, 4, 4a, 5, 6, 7, 8, 9; 268.052, subdivisions 1, 2, 3, 4, 5; 268.0525; 268.053, subdivisions 1, 2, 3; 268.057, subdivisions 1, 2, 3, 4, 5, 6, 7, 10; 268.058; 268.059; 268.0625, subdivisions 4, 5; 268.063; 268.064; 268.065, subdivisions 1, 3; 268.066; 268.067; 268.0675; 268.068; 268.069, subdivisions 1, 2, 3; 268.07, subdivisions 1, 2, 3a, 3b; 268.084; 268.085, subdivisions 1, 2, 3, 3a, 4, 5, 6, 7, 8, 9, 11, 12, 13, 13a, 13b, 13c, 16; 268.086, subdivisions 1, 2, 3, 5, 6, 7, 8, 9; 268.087; 268.095, subdivisions 1, 2, 3, 4, 5, 6, 6a, 7, 10, 11; 268.101; 268.103, subdivisions 1, 2; 268.105, subdivisions 1, 2, 3, 3a, 4, 5, 6, 7; 268.115; 268.125, subdivisions 3, 4, 5; 268.131, subdivision 1; 268.135; 268.145, subdivisions 1, 2, 3; 268.155; 268.18, subdivisions 1, 2, 2b, 4, 5, 6; 268.182, subdivisions 1, 2; 268.184, subdivisions 1, 1a; 268.186; 268.188; 268.19, subdivisions 1, 1a, 2; 268.192; 268.194, subdivisions 1, 2, 3, 4, 5, 6; 268.196, subdivisions 1, 3; 268.20; 268.21; 268.22; 268.23; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2006, sections 268.0435; 268.0511; 268.085, subdivision 10; 268.103, subdivision 4; Minnesota Rules, parts 3315.0210; 3315.0220; 3315.0515; 3315.0520; 3315.0525; 3315.0530, subparts 2, 3, 4, 5, 6; 3315.0540; 3315.0550; 3315.0910, subparts 1, 2, 3, 4, 5, 6, 7, 8; 3315.1005, subparts 1, 3; 3315.1315, subpart 4; 3315.2010; 3315.2810, subparts 2, 4.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Sparks, Metzen and Gimse.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mahoney moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 167. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 184, A bill for an act relating to health; authorizing registered nurses to dispense oral contraceptives in family planning clinics; expanding the definition of a governmental unit; providing for adjustment of medical assistance reimbursement rates for family planning clinics; amending Minnesota Statutes 2006, sections 148.235, by adding a subdivision; 471.59, subdivision 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Marty, Torres Ray and Bonoff.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sertich moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 184. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 1377, A bill for an act relating to state government; revising certain laws governing state boards and advisory groups; amending Minnesota Statutes 2006, sections 15.059, subdivision 5; 16B.181, subdivision 2; 16C.17; 21.112; 43A.318, subdivision 1; 62J.693, subdivision 2; 92.35; 129D.04, subdivision 1; 240.18, subdivision 4; 245.71; 245.97, by adding a subdivision; 252.282, subdivision 5; 353D.01, subdivision 1; 354C.12, subdivision 4; 356A.02, subdivision 1; Laws 1976, chapter 199, section 14, subdivision 1, as amended; repealing Minnesota Statutes 2006, sections 3.884; 16B.055; 16B.65, subdivision 5; 16B.76; 18B.305, subdivision 3; 43A.318, subdivision 3; 62J.692, subdivision 2; 115.54; 115A.9651, subdivision 5; 116C.93; 116O.091, subdivision 7; 125B.21; 127A.30; 145.9266, subdivisions 6, 7; 175.008; 241.021, subdivision 4b; 242.56, subdivision 3; 245.699; 252.282, subdivision 4; 256B.0625, subdivision 13a; 256B.77, subdivision 23; 256C.28; 299A.293; 299A.331; 326.41; 352.98, subdivision 6; 354B.25, subdivision 1a; 611A.25; 611A.361.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Rest, Robling and Pappas.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Brod moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1377. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 653, 886 and 430.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 653, A bill for an act relating to higher education; regulating the charging of resident tuition; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on Finance.

S. F. No. 886, A resolution memorializing the President and Congress to promote the United States' ability to compete in the global marketplace for talented and necessary workers.

The bill was read for the first time.

Mariani moved that S. F. No. 886 and H. F. No. 771, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 430, A bill for an act relating to retirement; various retirement plans; authorizing an optional annuity election for the surviving spouse of a deceased former legislator; permitting the optional early division of legislators retirement plan retirement allowances upon a marriage dissolution; expanding the membership of the general state employees retirement plan and the State Patrol retirement plan; permitting withholding of insurance premiums from public safety employee annuities; providing special coverage to privatized employees of Lakefield Nursing Home, Lakeview Nursing Home, Oakland Park Nursing Home, and Hutchinson Area Health Care; permitting various prior service credit purchases; exempting certain Anoka County employees from reemployed annuitant earnings limitations; permitting certain combined service annuity back payments; permitting a delayed disability benefit application; making various administrative changes in various statewide retirement plans; modifying disability determination procedures and disability benefits in various plans administered by the Public Employees Retirement Association; authorizing investment in the State Board of Investment by the Minneapolis Employees Retirement Fund; relaxing certain Minneapolis Employees Retirement Fund liquidity transfer requirements; expanding the coverage group of the state employees correctional retirement plan to include various Department of Corrections and Department of Human Services employees; modifying various aspects of the volunteer fire supplemental benefit coverage; correcting various 2006 drafting errors; establishing a pilot postretirement adjustment; requiring a study and report; modifying certain Minneapolis Police Relief Association surviving spouse benefit amounts and validating prior payments; increasing the amount available for distribution by the Minneapolis Firefighters Relief Association as a postretirement adjustment; including the Public Employees Retirement Association staff in the state's postretirement option; extending the 2006 special retirement incentive to 2009 and making certain modifications; authorizing an additional postretirement adjustment for surviving spouses receiving benefits from the Thief River Falls Police Trust Fund; amending Minnesota Statutes 2006, sections 3.85, subdivision 10; 3A.02,

subdivisions 1, 5; 3A.05; 13.632, subdivision 1; 43A.346, subdivisions 1, 2; 126C.41, subdivision 4; 352.01, subdivisions 2a, 2b, 11; 352.12, subdivision 2a; 352.27; 352.91, subdivisions 3d, 3e, 3f, 4b; 352.951; 352.98, by adding a subdivision; 352B.01, subdivision 2; 352D.02, subdivisions 1, 3; 352D.06, subdivision 3; 353.01, subdivisions 2a, 2b, 6, 16, 28, 37, by adding subdivisions; 353.03, subdivisions 3, 3a, 4; 353.27, by adding a subdivision; 353.28, subdivision 6; 353.29, subdivision 3; 353.30, subdivisions 1a, 1b, 1c; 353.32, subdivisions 1a, 1b; 353.33, subdivisions 1, 2, 4, 6, 7a; 353.34, subdivision 3; 353.651, subdivision 4; 353.656, subdivisions 1, 1a, 3, 4, 5a, 6a, 8, 10, by adding subdivisions; 353.657, subdivisions 1, 2, 2a, 3; 353B.08, subdivision 11; 353E.06, subdivisions 1, 2, 4, 8; 353F.02, subdivision 4; 353F.04, subdivision 1; 354.05, subdivision 13; 354.093; 354.094; 354.095; 354.096, subdivision 2; 354.35; 354.44, subdivision 6; 354.45, subdivision 1a; 354.48, subdivision 3; 354A.12, subdivisions 3b, 3c, 3d; 354B.21, subdivision 3; 355.01, subdivision 3h; 356.195, subdivision 1; 356.405; 356.46, subdivision 3; 356.87; 356A.06, subdivision 6; 422A.01, subdivision 13a; 422A.05, subdivision 2c; 422A.06, subdivisions 3, 5, 7, 8; 422A.101, subdivision 3; 423A.02, subdivisions 3, 5; 423B.10, subdivision 1; 423C.06, subdivision 2; 424A.10, subdivisions 1, 2, 3; 490.121, subdivisions 15a, 21f; 626.84, subdivision 1; Laws 1981, chapter 68, section 42, subdivision 1, as amended; Laws 2006, chapter 271, article 2, sections 12, subdivision 1; 13, subdivision 3; article 3, section 43; article 14, section 2, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 3A; 352; 353; 353E; 354; 356; repealing Minnesota Statutes 2006, sections 352.031; 353.30, subdivision 1; 353.33, subdivisions 6a, 6b, 8; 353.34, subdivision 7; 353.656, subdivisions 5, 9, 11, 12; 353.69; 354.071; 354.49, subdivision 5; 354A.12, subdivision 3d; 354A.29, subdivision 6; 356.90; 422A.101, subdivision 4.

The bill was read for the first time.

Murphy, M., moved that S. F. No. 430 and H. F. No. 1978, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Thursday, May 17, 2007:

H. F. Nos. 1978 and 2479; S. F. No. 997; H. F. No. 1973; S. F. No. 1396; H. F. Nos. 1283, 562 and 1175; and S. F. No. 1998.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. No. 532

A bill for an act relating to consumer protection; regulating certain contracts entered into by military service personnel; authorizing cancellations; requiring utilities to establish payment arrangements for military service personnel; proposing coding for new law in Minnesota Statutes, chapters 190; 325E; 325G.

May 14, 2007

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 532 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 532 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[325E.027] UTILITY PAYMENT ARRANGEMENTS FOR MILITARY SERVICE PERSONNEL.**

Subdivision 1. Restriction on disconnection; payment schedules. (a) A municipal utility, cooperative electric association, or public utility must not disconnect the utility service of a residential customer if a member of the household has been issued orders into active duty, for deployment, or for a permanent change in duty station during the period of active duty, deployment, or change in duty station if such a residential customer:

(1) has a household income below the state median household income or is receiving energy assistance and enters into an agreement with the municipal utility, cooperative electric association, or public utility under which the residential customer pays ten percent of the customer's gross monthly income toward the customer's bill and the residential customer remains reasonably current with those payments; or

(2) has a household income above the state median household income and enters into an agreement with the municipal utility, cooperative electric association, or public utility establishing a reasonable payment schedule that considers the financial resources of the household and the residential customer remains reasonably current with payments under the payment schedule.

(b) For purposes of this subdivision, "household income" means household income measured after the date of the orders specified in paragraph (a).

Subd. 2. Annual notice to all customers; inability to pay forms. (a) A municipal utility, cooperative electric association, or public utility must notify all residential customers annually of the provisions of this section.

(b) A municipal utility, cooperative electric association, or public utility must provide a form to a residential customer to request the protections of this section upon the residential customer's request.

Subd. 3. Application to service limiters. For the purposes of this section, "disconnection" includes a service or load limiter or any device that limits or interrupts electric service in any way.

Subd. 4. Income verification. Verification of income may be conducted by the local energy assistance provider or the municipal utility, cooperative electric association, or public utility unless the customer is automatically eligible for protection against disconnection as a recipient of any form of public assistance, including energy assistance that uses income eligibility in an amount at or below the income eligibility in subdivision 1, clause (1).

Subd. 5. Appeal process. (a) The municipal utility, cooperative electric association, or public utility shall provide the residential customer with a commission-approved written notice of the right to appeal to the commission or other appropriate governing body when the utility and residential customer are unable to agree on the establishment, reasonableness, or modification of a payment schedule, or on the reasonable timeliness of the payments under a payment schedule, provided for by this section. Any appeal must be made within seven working days after the residential customer's receipt of personally served notice, or within ten working days after the utility has deposited first class mail notice in the United States mail.

(b) The utility shall not disconnect service while a payment schedule is pending appeal, or until any appeal involving payment schedules has been determined by the commission.

Subd. 6. **Enforcement.** This section may be enforced pursuant to chapter 216B.

Sec. 2. **[325G.53] CANCELLATION WITHOUT PENALTY OF WIRELESS CONTRACTS BY MILITARY SERVICE PERSONNEL.**

Subdivision 1. **Authority.** Any service member who has been issued orders into active duty, for deployment, or for a permanent change of duty station, or the spouse of the service member, may terminate, without penalty, a wireless service contract, or some portion of it, that is executed by or on behalf of the service member or by the spouse of that service member.

Subd. 2. **When effective.** Termination of the wireless service contract is not effective until 30 days after the service member or the service member's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the wireless service contract or part of it, and provides a copy of the service member's order for activation, deployment, or change of duty station.

Subd. 3. **Enforcement.** This section may be enforced by the attorney general pursuant to section 8.31.

Sec. 3. **[325G.54] CANCELLATION WITHOUT PENALTY OF RENTAL, CLUB, SERVICE, AND MEMBERSHIP TRAVEL CONTRACTS BY MILITARY SERVICE PERSONNEL.**

Subdivision 1. **Application.** This section applies to any rental contracts, club contracts under section 325G.23, service contracts, and membership travel contracts under section 325G.50 in which:

(1) such a contract was executed by or on the behalf of a person who, after the execution of the contract, was issued orders into active duty, for deployment, or for a permanent change of duty station; and

(2) where as a result of the orders it is impractical for the person to enjoy the benefits of the contract.

Subd. 2. **Authority.** A service member who enters into a rental, club, membership travel, or service contract, and who is issued orders into active duty, for deployment, or for a permanent change of duty station, subsequent to the execution of the contract, is entitled to cancel the contract at no penalty and with a full refund of any money which may have been placed on deposit where the service member's military activation, deployment, or change in duty station causes it to be impractical for the service member to abide by the terms and conditions of the contract. For purposes of this section, "service contract" includes those for services such as television, computer, Internet service, or any other type of service.

Subd. 3. **Notice.** Any such contract may be terminated by notice in writing sent to the contractor by the person issued orders for active duty, for deployment, or for a permanent change of duty station, canceling the service member's rental, club, or membership travel contract. The notice must include a copy of the orders in question. Delivery of the notice must be made by certified mail addressed to the contractor. The termination of the contract is effective the day following receipt of proper notice as described in this subdivision.

Subd. 4. **Enforcement.** This section may be enforced by the attorney general pursuant to section 8.31."

Delete the title and insert:

"A bill for an act relating to consumer protection; regulating certain contracts entered into by military service personnel; authorizing cancellations; requiring utilities to establish payment arrangements for military service personnel; proposing coding for new law in Minnesota Statutes, chapters 325E; 325G."

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

House Conferees: RYAN WINKLER, KARLA BIGHAM AND JIM ABELER.

Senate Conferees: SHARON L. ERICKSON ROPES, THOMAS M. NEUVILLE AND DON BETZOLD.

Winkler moved that the report of the Conference Committee on H. F. No. 532 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 532, A bill for an act relating to consumer protection; regulating certain contracts entered into by military service personnel; authorizing cancellations; requiring utilities to establish payment arrangements for military service personnel; proposing coding for new law in Minnesota Statutes, chapters 190; 325E; 325G.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Lesch	Olin	Slawik
Anderson, B.	Dill	Heidgerken	Liebling	Otremba	Slocum
Anderson, S.	Dittrich	Hilstrom	Lieder	Ozment	Smith
Anzelc	Dominguez	Hilty	Lillie	Paulsen	Solberg
Atkins	Doty	Holberg	Loeffler	Paymar	Svigum
Beard	Eastlund	Hoppe	Madore	Pelowski	Swails
Benson	Eken	Hornstein	Magnus	Peppin	Thao
Berns	Emmer	Hortman	Mahoney	Peterson, A.	Thissen
Bigham	Erhardt	Hosch	Mariani	Peterson, N.	Tillberry
Bly	Erickson	Howes	Marquart	Peterson, S.	Tingelstad
Brod	Faust	Jaros	Masin	Poppe	Tschumper
Brown	Finstad	Johnson	McFarlane	Rukavina	Urdahl
Brynaert	Fritz	Juhnke	McNamara	Ruth	Wagenius
Buesgens	Gardner	Kahn	Moe	Ruud	Walker
Bunn	Garofalo	Kalin	Morgan	Sailer	Ward
Carlson	Gottwalt	Knuth	Morrow	Scalze	Wardlow
Clark	Greiling	Koenen	Mullery	Seifert	Welti
Cornish	Gunther	Kohls	Murphy, E.	Sertich	Westrom
Davnie	Hackbarth	Kranz	Murphy, M.	Severson	Winkler
Dean	Hamilton	Laine	Nelson	Shimanski	Wollschlager
DeLaForest	Hansen	Lanning	Nornes	Simon	Zellers
Demmer	Hausman	Lenczewski	Norton	Simpson	Spk. Kelliher

The bill was repassed, as amended by Conference, and its title agreed to.

CALENDAR FOR THE DAY

H. F. No. 1973 was reported to the House.

Carlson moved to amend H. F. No. 1973, the third engrossment, as follows:

Page 1, line 11, delete "PURPOSE AND"

Page 1, delete lines 12 to 16

Page 1, line 17, delete everything before "This"

Page 3, line 4, before the period, insert ", a memorandum of agreement between an exclusive bargaining representative and the Minneapolis Library Board, and a memorandum of agreement between an exclusive bargaining representative and Hennepin County"

Page 5, line 21, after "DOCUMENTS" insert "; AGREEMENTS"

Page 5, line 24, after "act" insert "; provided that before these documents are entered into, each of these entities, or all of them jointly, must conduct a public hearing after published notice of the hearing on the merger. The hearing must be held on a weeknight, beginning between 6:00 p.m. and 7:00 p.m. All agreements entered into by the board, the city, and the county to effectuate the merger must be consistent with and aid in the accomplishment of the Guiding Principles for the Consolidation of Library Services in Hennepin County adopted by the Minneapolis Public Library Board on March 7, 2007"

Page 9, line 20, after the period, insert "When appointing members of the county library board who are residents of the city of Minneapolis, the county board must consult with the Minneapolis mayor and city council."

Page 10, line 27, delete the first "the" and insert "at least 80 percent of the represented"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Emmer moved to amend H. F. No. 1973, the third engrossment, as amended, as follows:

Page 5, after line 2, insert:

"(d) All funds available to the consolidated Hennepin County library system shall be withheld until all computers with Internet access available for use by children under age 18 are equipped with software filtering or blocking technology designed to restrict children's access to material that is reasonably believed to be obscene, child pornography, or material harmful to minors under federal or state law. The consolidated Hennepin County library system must formally adopt an Internet safety policy consistent with this section and other applicable law.

(e) To ensure that funds are not withheld under paragraph (d), the consolidated Hennepin County library system must send an electronic notice to the education department indicating that the public libraries within the system have equipped their computers with software filtering or blocking technology, consistent with this section. The consolidated Hennepin County library system must immediately transmit to the department any additional information related to public libraries' compliance with this section."

A roll call was requested and properly seconded.

POINT OF ORDER

Carlson raised a point of order pursuant to rule 3.21 that the Emmer amendment was not in order. Speaker pro tempore Juhnke ruled the point of order not well taken and the Emmer amendment in order.

The question recurred on the Emmer amendment and the roll was called. There were 105 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Holberg	Magnus	Paymar	Solberg
Anderson, B.	Doty	Hoppe	Mahoney	Pelowski	Sviggum
Anderson, S.	Eastlund	Hortman	Marquart	Peppin	Swails
Atkins	Eken	Hosch	Masin	Peterson, A.	Thissen
Beard	Emmer	Howes	McFarlane	Peterson, S.	Tillberry
Benson	Erickson	Juhnke	McNamara	Poppe	Tingelstad
Berns	Faust	Kalin	Moe	Ruth	Tschumper
Bigham	Finstad	Knuth	Morgan	Ruud	Urdahl
Bly	Fritz	Koenen	Morrow	Sailer	Ward
Brod	Gardner	Kohls	Murphy, E.	Scalze	Wardlow
Brown	Garofalo	Kranz	Nelson	Seifert	Welti
Buesgens	Gottwalt	Laine	Nornes	Severson	Westrom
Bunn	Gunther	Lanning	Norton	Shimanski	Winkler
Cornish	Hackbarth	Lenczewski	Olin	Simon	Wollschlager
Dean	Hamilton	Liebling	Olson	Simpson	Zellers
DeLaForest	Hansen	Lieder	Otremba	Slawik	
Demmer	Haws	Lillie	Ozment	Slocum	
Dettmer	Heidgerken	Madore	Paulsen	Smith	

Those who voted in the negative were:

Anzelc	Dill	Hilstrom	Kahn	Peterson, N.	Walker
Brynaert	Dominguez	Hilty	Loeffler	Rukavina	Spk. Kelliher
Carlson	Erhardt	Hornstein	Mariani	Sertich	
Clark	Greiling	Jaros	Mullery	Thao	
Davnie	Hausman	Johnson	Murphy, M.	Wagenius	

The motion prevailed and the amendment was adopted.

H. F. No. 1973, A bill for an act relating to local government; enabling the merger of the Minneapolis Public Library and the Hennepin County library system; authorizing the transfer of property, assets, and certain bond proceeds related to the Minneapolis Public Library to Hennepin County; authorizing the transfer of Minneapolis Public Library employees to Hennepin County; amending Minnesota Statutes 2006, sections 275.065, subdivision 3; 383B.237; 383B.239; 383B.245; 383B.247.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 93 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeler	Eken	Juhnke	Marquart	Paymar	Swails
Anzelc	Erhardt	Kahn	Masin	Pelowski	Thao
Atkins	Faust	Kalin	McFarlane	Peterson, A.	Thissen
Benson	Fritz	Knuth	McNamara	Peterson, N.	Tillberry
Bigham	Gardner	Koenen	Moe	Peterson, S.	Tingelstad
Bly	Greiling	Laine	Morgan	Poppe	Tschumper
Brown	Hansen	Lanning	Morrow	Rukavina	Wagenius
Brynaert	Hausman	Lenczewski	Mullery	Ruud	Walker
Bunn	Haws	Lesch	Murphy, E.	Sailer	Ward
Carlson	Hilstrom	Liebling	Murphy, M.	Scalze	Welti
Clark	Hilty	Lieder	Nelson	Sertich	Winkler
Davnie	Hornstein	Lillie	Nornes	Simon	Wollschlager
Dill	Hortman	Loeffler	Norton	Slawik	Spk. Kelliher
Dittrich	Hosch	Madore	Olin	Slocum	
Dominguez	Jaros	Mahoney	Otremba	Smith	
Doty	Johnson	Mariani	Ozment	Solberg	

Those who voted in the negative were:

Anderson, B.	Dean	Finstad	Holberg	Paulsen	Sviggum
Anderson, S.	DeLaForest	Garofalo	Hoppe	Peppin	Urdahl
Beard	Demmer	Gottwalt	Howes	Ruth	Wardlow
Berns	Dettmer	Gunther	Kohls	Seifert	Westrom
Brod	Eastlund	Hackbarth	Kranz	Severson	Zellers
Buesgens	Emmer	Hamilton	Magnus	Shimanski	
Cornish	Erickson	Heidgerken	Olson	Simpson	

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

There being no objection, the order of business reverted to Reports of Standing Committees and Divisions.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Sertich from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2285, A bill for an act relating to constitutional amendments; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by three-eighths of one percent and dedicating the receipts for natural resource and cultural heritage purposes; creating a natural heritage fund; creating a parks and trails fund; creating a clean water fund; creating a sustainable drinking water fund; creating an arts and cultural heritage fund; amending Minnesota Statutes 2006, sections 114D.20, subdivision 6; 114D.30, subdivision 6; 114D.45; 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103H; 129D.

Reported the same back with the following amendments:

Page 1, line 18, after "dedicated" insert ", for the benefit of Minnesotans,"

Page 1, lines 22, 24, and 25, delete "the state's"

Page 2, line 14, delete "the" and insert "our"

Page 2, line 15, delete the first "the" and insert "our" and delete "to protect and restore the"

Page 2, line 16, delete "state's lakes, rivers, streams, wetlands and groundwater;" and delete "the state's" and insert "our"

Page 2, line 17, delete the first "and" and delete the second "the" and insert "our" and after "state" insert "; and to protect and restore our state's lakes, rivers, streams, wetlands, and groundwater"

Page 2, line 26, delete "state and regional"

Page 3, lines 2 and 13, delete "the state's"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sertich from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2389, A bill for an act relating to civil actions; requiring insurers to act in good faith in connection with claims practices; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 604.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [60A.0811] BREACH OF INSURANCE POLICY; RECOVERY OF DAMAGES AND ATTORNEY FEES.

Subdivision 1. Definitions; application. (a) For purposes of this section:

(1) "insurance policy" means an insurance policy or contract other than:

(i) a workers' compensation insurance policy or contract;

(ii) a policy or contract issued, executed, renewed, maintained, or delivered in this state by a health carrier as defined in section 62A.011, subdivision 2; or

(iii) a policy or contract issued by a township mutual fire insurance company or farmers mutual fire insurance company operating under chapter 65A or 67A;

(2) "insured" means a first party to an insurance contract and does not include a person to whom first-party rights have been assigned; and

(3) "insurer" means an insurance company:

(i) incorporated or organized in this state; or

(ii) admitted to do business in this state but not incorporated or organized in this state.

Insurer does not include the joint underwriting association operating under chapter 62F or 62I; or a township mutual fire insurance company or farmers mutual fire insurance company operating under chapter 65A or 67A.

(b) This section applies to a court action or arbitration proceeding.

Subd. 2. **Damages.** (a) In addition to other damages or attorney fees allowable under law or an insurance policy, an insured who prevails in a claim against an insurer for a breach of an insurance policy based on a denial or delay in payment of benefits is entitled to recover monetary consequential damages that arise from the denial or delay and reasonable attorney fees as provided under this section.

(b) Punitive damages or damages for nonmonetary losses are not recoverable under this section.

Subd. 3. **Recovery of attorney fees; effect of settlement offer.** If an insurer tenders a written offer to an insured to settle a disputed claim, the insured is not entitled to recover attorney fees incurred after the offer is made unless the final judgment or award is greater than the last offer.

Subd. 4. **Factors to consider in awarding attorney fees.** An award of attorney fees under this section must bear a reasonable relationship and be proportional to the damages awarded.

Subd. 5. **Insurance producers; liability limited.** A licensed insurance producer is not liable for damages and attorney fees under this section for a breach of an insurance policy by the insurer that appointed the producer to transact business on its behalf.

Subd. 6. **Fire investigations.** An insurer is not liable for damages and attorney fees under this section by conducting or cooperating with a fire investigation to its completion.

Subd. 7. **No effect on third parties.** Nothing in this section affects third-party claims or remedies against insurers under the common law or any other statute.

EFFECTIVE DATE. This section is effective August 1, 2007, and applies to a breach of an insurance policy occurring on or after that date.

Sec. 2. Minnesota Statutes 2006, section 471.982, subdivision 3, is amended to read:

Subd. 3. **Exemptions.** Self-insurance pools established and open for enrollment on a statewide basis by the Minnesota League of Cities Insurance Trust, the Minnesota School Boards Association Insurance Trust, the Minnesota Association of Townships Insurance and Bond Trust, or the Minnesota Association of Counties Insurance Trust and the political subdivisions that belong to them are exempt from the requirements of this section and ~~section~~ sections 60A.0811 and 65B.48, subdivision 3. In addition, the Minnesota Association of Townships Insurance and Bond Trust and the townships that belong to it are exempt from the requirement to hold the certificate of surety authorization issued by the commissioner of commerce as provided in section 574.15."

Delete the title and insert:

"A bill for an act relating to insurance; providing for the award of certain damages and attorney fees in claims arising from breach of an insurance policy by an insurer; amending Minnesota Statutes 2006, section 471.982, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2285 and 2389 were read for the second time.

CALENDAR FOR THE DAY

H. F. No. 562, A bill for an act relating to towns; appropriating money for town road signs.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Heidgerken	Lieder	Otremba	Slocum
Anderson, B.	Dittrich	Hilstrom	Lillie	Ozment	Smith
Anderson, S.	Dominguez	Hilty	Loeffler	Paulsen	Solberg
Anzelc	Doty	Holberg	Madore	Paymar	Sviggum
Atkins	Eastlund	Hoppe	Magnus	Pelowski	Swails
Beard	Eken	Hornstein	Mahoney	Peppin	Thao
Benson	Emmer	Hortman	Mariani	Peterson, A.	Thissen
Berns	Erhardt	Hosch	Marquart	Peterson, N.	Tillberry
Bigham	Erickson	Jaros	Masin	Peterson, S.	Tingelstad
Bly	Faust	Johnson	McFarlane	Poppe	Tschumper
Brod	Finstad	Juhnke	McNamara	Rukavina	Urdahl
Brown	Fritz	Kahn	Moe	Ruth	Wagenius
Brynaert	Gardner	Kalin	Morgan	Ruud	Walker
Buesgens	Garofalo	Knuth	Morrow	Sailer	Ward
Bunn	Gottwalt	Koenen	Mullery	Scalze	Wardlow
Carlson	Greiling	Kohls	Murphy, E.	Seifert	Welti
Cornish	Gunther	Kranz	Murphy, M.	Sertich	Westrom
Davnie	Hackbarth	Laine	Nelson	Severson	Winkler
Dean	Hamilton	Lanning	Nornes	Shimanski	Wollschlager
DeLaForest	Hansen	Lenczewski	Norton	Simon	Zellers
Demmer	Hausman	Lesch	Olin	Simpson	Spk. Kelliher
Dettmer	Haws	Liebling	Olson	Slawik	

Those who voted in the negative were:

Howes

The bill was passed and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Greiling moved that the names of Peterson, S., and Slawik be added as authors on H. F. No. 2245. The motion prevailed.

Doty moved that H. F. No. 2368 be returned to its author. The motion prevailed.

Doty moved that H. F. No. 2465 be returned to its author. The motion prevailed.

Olson introduced:

House Concurrent Resolution No. 3, A House concurrent resolution proposing House and Senate net expenditure limits for fiscal years 2008 and 2009 for finance bills for consideration in the 2007 session.

The house concurrent resolution was referred to the Committee on Ways and Means.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place S. F. No. 1753 on the Fiscal Calendar for Friday, May 18, 2007.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, May 18, 2007. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Juhnke declared the House stands adjourned until 10:00 a.m., Friday, May 18, 2007.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives