

## STATE OF MINNESOTA

## EIGHTY-SIXTH SESSION — 2009

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 TWENTY-NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 2, 2009

The House of Representatives convened at 10:30 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Sharon Osborn, Asbury United Methodist Church, Duluth, Minnesota.

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	Lesch	Obermueller	Slawik
Anderson, B.	Dittrich	Hilty	Liebling	Olin	Slocum
Anderson, P.	Doepke	Holberg	Lieder	Otremba	Smith
Anderson, S.	Doty	Hoppe	Lillie	Paymar	Solberg
Anzelc	Downey	Hornstein	Loeffler	Pelowski	Sterner
Beard	Drazkowski	Hosch	Loon	Peppin	Swails
Benson	Eken	Howes	Mack	Persell	Thao
Bigham	Emmer	Huntley	Magnus	Peterson	Thissen
Bly	Falk	Jackson	Marquart	Poppe	Tillberry
Brod	Faust	Johnson	Masin	Reinert	Torkelson
Brown	Fritz	Juhnke	McFarlane	Rosenthal	Urdahl
Brynaert	Gardner	Kahn	McNamara	Rukavina	Wagenius
Bunn	Garofalo	Kalin	Morgan	Ruud	Ward
Carlson	Gottwalt	Kath	Morrow	Sailer	Welti
Champion	Greiling	Kelly	Mullery	Sanders	Westrom
Clark	Gunther	Kiffmeyer	Murdock	Scalze	Winkler
Cornish	Hackbarth	Knuth	Murphy, E.	Scott	Zellers
Davids	Hamilton	Koenen	Murphy, M.	Seifert	Spk. Kelliher
Davnie	Hansen	Kohls	Nelson	Sertich	
Dean	Hausman	Laine	Newton	Severson	
Demmer	Haws	Lanning	Nornes	Shimanski	
Dettmer	Hayden	Lenczewski	Norton	Simon	

A quorum was present.

Atkins, Buesgens, Eastlund and Mahoney were excused.

Mariani was excused until 10:55 a.m. Hortman was excused until 11:45 a.m.

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

## REPORTS OF CHIEF CLERK

S. F. No. 33 and H. F. No. 116, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Ward moved that S. F. No. 33 be substituted for H. F. No. 116 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 284 and H. F. No. 300, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Davnie moved that the rules be so far suspended that S. F. No. 284 be substituted for H. F. No. 300 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 675 and H. F. No. 842, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Olin moved that the rules be so far suspended that S. F. No. 675 be substituted for H. F. No. 842 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 708 and H. F. No. 903, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Mullery moved that the rules be so far suspended that S. F. No. 708 be substituted for H. F. No. 903 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1197 and H. F. No. 1227, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Rukavina moved that the rules be so far suspended that S. F. No. 1197 be substituted for H. F. No. 1227 and that the House File be indefinitely postponed. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 1, 2009

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Kelliher:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House File:

H. F. No. 1797, relating to transportation; providing for receipt and appropriation of federal economic recovery funds.

Sincerely,

TIM PAWLENTY  
Governor

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 2009 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. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2009</i>	<i>Date Filed 2009</i>
236		8	11:29 a.m. April 1	April 1
	1797	9	11:31 a.m. April 1	April 1

Sincerely,

MARK RITCHIE  
Secretary of State

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 17, A bill for an act relating to local government; authorizing the Central Iron Range Sanitary Sewer District.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 181, A bill for an act relating to health; amending Minnesota Statutes 2008, sections 256L.04, subdivisions 1, 7a, by adding a subdivision; 256L.05, subdivisions 3, 3a; 256L.07, subdivisions 1, 2, 3, by adding a subdivision; 256L.15, subdivisions 2, 3; 256L.17, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 256L; repealing Minnesota Statutes 2008, section 256L.17, subdivision 6.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. **[256.0122] SIMPLIFICATION OF ENROLLMENT AND RENEWAL PROCEDURES.**

**Subdivision 1. Preprinted forms for renewals.** For children enrolled in medical assistance or MinnesotaCare, the commissioner shall develop a preprinted renewal form that contains the child's income information available to the commissioner. This form must be mailed to the parent of the child prior to the child's renewal date, along with a notice to the parent that eligibility of the child for medical assistance or MinnesotaCare shall be renewed based on the information contained in the form. The parent must review the information and if the information is no longer accurate, indicate this on the form and return the form to the commissioner with the current information. If the form is not returned, the commissioner shall determine eligibility for the child based on information on the form. Nothing in this subdivision shall be construed as prohibiting the commissioner from verifying income through electronic or other means. If the commissioner determines that the child is no longer eligible, the commissioner shall disenroll the child.

**Subd. 2. Continuous eligibility.** Children under the age of 19 who, at the time of application or renewal, meet the eligibility criteria for medical assistance or MinnesotaCare, shall be continuously eligible for the program for 12 months or until the child reaches age 19, whichever is earlier.

**Subd. 3. Open enrollment and streamlined application and enrollment process.** (a) The commissioner and local agencies working in partnership must develop a streamlined and efficient application and enrollment process for medical assistance and MinnesotaCare enrollees that meets the criteria specified in this subdivision.

(b) The commissioners of human services and education shall provide recommendations to the legislature by January 15, 2010, on the creation of an open enrollment process for medical assistance and MinnesotaCare that is tied to the public education system, including prekindergarten programs. The recommendations must:

(1) be developed in consultation with medical assistance and MinnesotaCare enrollees and representatives from organizations that advocate on behalf of children and families, low-income persons and minority populations, counties, school administrators and nurses, health plans, and health care providers;

(2) be based on enrollment and renewal procedures best practices, including express lane eligibility as required under subdivision 4;

(3) simplify the enrollment and renewal processes wherever possible; and

(4) establish a process to:

(i) disseminate information on medical assistance and MinnesotaCare to all children in the public education system, including prekindergarten programs; and

(ii) enroll children and other household members who are eligible.

The commissioners of human services and education shall implement an open enrollment process by August 1, 2010, to be effective beginning with the 2010-2011 school year.

(c) The commissioner and local agencies shall develop an online application process for medical assistance and MinnesotaCare.

(d) The commissioner shall develop an application that is easily understandable and does not exceed four pages in length.

(e) The commissioner of human services shall present to the legislature, by January 15, 2010, an implementation plan for the open enrollment period and online application process.

Subd. 4. **Express lane eligibility.** (a) Children who complete an application for educational benefits and indicate an interest in enrolling in medical assistance or MinnesotaCare on the application form shall have the form considered an application for those programs.

(b) The commissioner of education shall modify the application for educational benefits to:

(1) include a separate section for medical assistance and MinnesotaCare;

(2) include a check-box to allow all of the children included on the application for educational benefits to apply for medical assistance and MinnesotaCare; and

(3) specify that if this application box is checked, the information on the application will be shared with the commissioner of human services.

(c) The commissioner of human services shall match the children's Social Security numbers with the Social Security Administration database to comply with federal citizenship documentation requirements.

(d) The commissioner of education shall forward electronically the information for families who apply for medical assistance or MinnesotaCare to the commissioner of human services within five business days of determining an applicant's eligibility for the free and reduced-price school lunch program.

(e) The commissioner of human services shall accept the income determination made by the commissioner of education in administering the free and reduced-price school lunch program as proof of income for medical assistance and MinnesotaCare eligibility until renewal. Within 30 days of receipt of information provided by the commissioner of education under paragraph (d), the commissioner of human services shall:

(1) enroll all eligible children in the medical assistance or MinnesotaCare programs; and

(2) provide information about medical assistance and MinnesotaCare to other household members.

The date of application for the medical assistance and MinnesotaCare programs is the date on the signed application for educational benefits.

Sec. 2. Minnesota Statutes 2008, section 256.962, subdivision 2, is amended to read:

Subd. 2. **Outreach grants.** (a) The commissioner shall award grants to public and private organizations, regional collaboratives, and regional health care outreach centers for outreach activities, including, but not limited to:

(1) providing information, applications, and assistance in obtaining coverage through Minnesota public health care programs;

(2) collaborating with public and private entities such as hospitals, providers, health plans, legal aid offices, pharmacies, insurance agencies, and faith-based organizations to develop outreach activities and partnerships to ensure the distribution of information and applications and provide assistance in obtaining coverage through Minnesota health care programs; ~~and~~

(3) providing or collaborating with public and private entities to provide multilingual and culturally specific information and assistance to applicants in areas of high uninsurance in the state or populations with high rates of uninsurance; and

(4) targeting families with incomes below 200 percent of the federal poverty guidelines or who belong to underserved populations. \$2,000,000 shall be allocated out of the health care access fund for outreach grants.

(b) The commissioner shall ensure that all outreach materials are available in languages other than English.

(c) The commissioner shall establish an outreach trainer program to provide training to designated individuals from the community and public and private entities on application assistance in order for these individuals to provide training to others in the community on an as-needed basis."

Page 3, line 9, delete "256L.04" and insert "256L.07, subdivision 8."

Page 5, line 33, delete "equal to or"

Page 8, delete section 13

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "simplifying enrollment and renewal procedures for medical assistance and MinnesotaCare; changing eligibility provisions for MinnesotaCare; changing coverage provisions and sliding fee scale for MinnesotaCare;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 249, A bill for an act relating to health occupations; modifying emeritus status requirements for licensed psychologists; creating an inactive licensure status for licensed psychologists; authorizing licensed psychologists to provide a final determination not to certify; adding a licensed psychologist to the Health Care Reform Review Council; amending Minnesota Statutes 2008, sections 62M.09, subdivision 3a; 62U.09, subdivision 2; 148.89, subdivision 5; 148.9105, subdivisions 1, 3, 6, 7, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 148.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 62M.09, subdivision 3a, is amended to read:

Subd. 3a. **Mental health and substance abuse reviews.** (a) A peer of the treating mental health or substance abuse provider or a physician must review requests for outpatient services in which the utilization review organization has concluded that a determination not to certify a mental health or substance abuse service for clinical reasons is appropriate, provided that any final determination not to certify treatment is made by a psychiatrist certified by the American Board of Psychiatry and Neurology and appropriately licensed in this state or by a doctoral-level psychologist licensed in this state if the treating provider is a psychologist.

(b) Notwithstanding the notification requirements of section 62M.05, a utilization review organization that has made an initial decision to certify in accordance with the requirements of section 62M.05 may elect to provide notification of a determination to continue coverage through facsimile or mail.

(c) This subdivision does not apply to determinations made in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota Comprehensive Health Association.

Sec. 2. Minnesota Statutes 2008, section 62U.09, subdivision 2, is amended to read:

Subd. 2. **Members.** (a) The Health Care Reform Review Council shall consist of ~~14~~ 15 members who are appointed as follows:

(1) two members appointed by the Minnesota Medical Association, at least one of whom must represent rural physicians;

- (2) one member appointed by the Minnesota Nurses Association;
  - (3) two members appointed by the Minnesota Hospital Association, at least one of whom must be a rural hospital administrator;
  - (4) one member appointed by the Minnesota Academy of Physician Assistants;
  - (5) one member appointed by the Minnesota Business Partnership;
  - (6) one member appointed by the Minnesota Chamber of Commerce;
  - (7) one member appointed by the SEIU Minnesota State Council;
  - (8) one member appointed by the AFL-CIO;
  - (9) one member appointed by the Minnesota Council of Health Plans;
  - (10) one member appointed by the Smart Buy Alliance;
  - (11) one member appointed by the Minnesota Medical Group Management Association; ~~and~~
  - (12) one consumer member appointed by AARP Minnesota; and
  - (13) one member appointed by the Minnesota Psychological Association.
- (b) If a member is no longer able or eligible to participate, a new member shall be appointed by the entity that appointed the outgoing member.

Sec. 3. Minnesota Statutes 2008, section 148.89, subdivision 5, is amended to read:

Subd. 5. **Practice of psychology.** "Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures for any reason, including to prevent, eliminate, or manage symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work, life and developmental adjustment, personal and organizational effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

- (1) psychological research and teaching of psychology;
- (2) assessment, including psychological testing and other means of evaluating personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;
- (3) a psychological report, whether written or oral, including testimony of a provider as an expert witness, concerning the characteristics of an individual or entity;
- (4) psychotherapy, including but not limited to, categories such as behavioral, cognitive, emotive, systems, psychophysiological, or insight-oriented therapies; counseling; hypnosis; and diagnosis and treatment of:
  - (i) mental and emotional disorder or disability;
  - (ii) alcohol and substance dependence or abuse;

(iii) disorders of habit or conduct;

(iv) the psychological aspects of physical illness or condition, accident, injury, or disability, including the psychological impact of medications;

(v) life adjustment issues, including work-related and bereavement issues; and

(vi) child, family, or relationship issues;

(5) psychoeducational services and treatment; and

(6) consultation and supervision.

Sec. 4. **DEADLINE FOR APPOINTMENT.**

The Minnesota Psychological Association must appoint its member to the Health Care Reform Review Council under section 2 no later than October 1, 2009."

Delete the title and insert:

"A bill for an act relating to health occupations; modifying the definition of "the practice of psychology"; authorizing a doctoral-level licensed psychologist to provide a final determination not to certify; adding a member from the Minnesota Psychological Association to the Health Care Reform Review Council; amending Minnesota Statutes 2008, sections 62M.09, subdivision 3a; 62U.09, subdivision 2; 148.89, subdivision 5."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 412, A bill for an act relating to real estate; adjusting the statute of repose for homeowner warranty claims; amending Minnesota Statutes 2008, section 541.051, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 541.051, subdivision 4, is amended to read:

Subd. 4. **Applicability.** ~~For the purposes of~~ This section does not apply to actions based on breach of the statutory warranties set forth in section 327A.02, or to actions based on breach of an express written warranty, except as provided by this subdivision. Such actions shall be brought within two years of the discovery of the breach in all cases where the breach is discovered within ten years after the warranty date. ~~In the case of an action under section 327A.05, which accrues during the ninth or tenth year after the warranty date, as defined in section 327A.01, subdivision 8, an action may be brought within two years of the discovery of the breach.~~ Where the breach is discovered more than ten years after the warranty date, such actions shall be brought within one year after the discovery of the breach, but in no event may an action under section 327A.05 or an action based on breach of an express written warranty be brought more than 12 years after the ~~effective~~ warranty date. An action for contribution

or indemnity arising out of actions described in this subdivision may be brought no later than two years after the earlier of commencement of the action against the party seeking contribution or indemnity, or payment of a final judgment, arbitration award, or settlement arising out of the breach.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to cases pending or commenced on or after that date."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 775, A bill for an act relating to public safety; motor vehicles; crediting vehicle service fees to the vehicle services operating account; amending Minnesota Statutes 2008, sections 168.017, subdivision 5; 168.021, subdivision 4; 168.10, subdivision 1i; 168.29; 168.62, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 855, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale of state bonds; repealing and modifying previous appropriations; appropriating money; amending Minnesota Statutes 2008, sections 16A.641, subdivisions 4, 7; 16A.66, subdivision 2; 16A.86, subdivision 2, by adding a subdivision; 85.015, by adding a subdivision; 134.45, by adding a subdivision; 135A.046, subdivision 2; 174.03, subdivision 1b; 174.88, subdivision 2; Laws 2005, chapter 20, article 1, section 23, subdivision 16, as amended; Laws 2006, chapter 258, sections 20, subdivision 7; 21, subdivisions 5, 6, as amended; 23, subdivision 3, as amended; Laws 2008, chapter 179, section 3, subdivisions 12, as amended, 21, 25; proposing coding for new law in Minnesota Statutes, chapters 16A; 84; 174; 473; repealing Minnesota Statutes 2008, sections 16A.86, subdivision 3; 116.156; 473.399, subdivision 4; Laws 2008, chapter 179, section 8, subdivision 3.

Reported the same back with the following amendments:

Page 10, after line 4, insert:

"(m) St. Vincent"

Page 10, line 5, delete "(m)" and insert "(n)"

Page 10, line 14, after "Oakport Township," insert "St. Vincent,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 866, A bill for an act relating to insurance; requiring school districts to obtain employee health coverage through the public employees insurance program; amending Minnesota Statutes 2008, sections 43A.316, subdivisions 9, 10, by adding subdivisions; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; 297I.15, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 29, after the period, insert ""School employer" does not include any school district or other entity referenced in this paragraph that is self-insured, either individually or as part of a self-insured group, for health coverage as of January 1, 2010."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1038, A bill for an act relating to utilities; authorizing Public Utilities Commission to order refunds of unlawful utility rate revenues; amending Minnesota Statutes 2008, sections 216B.23, by adding a subdivision; 237.081, by adding a subdivision; 237.74, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 216B.23, is amended by adding a subdivision to read:

Subd. 1a. **Authority to issue refund.** On determining that a public utility has charged a rate in violation of this chapter, a commission rule, or a commission order, the commission, after conducting a proceeding, may require the public utility to refund to its customers, in a manner approved by the commission, any revenues the commission finds were collected as a result of the unlawful conduct. Any refund authorized by this section is permitted in addition to any remedies authorized by section 216B.16 or any other law governing rates. Exercising authority under this section does not preclude the commission from pursuing penalties under sections 216B.57 to 216B.61 for the same conduct.

Nothing in this section shall be construed as allowing retroactive ratemaking. In addition, nothing in this section shall be construed to allow refunds based on claims that prior or current approved rates have been unjust, unreasonable, unreasonably preferential, discriminatory, insufficient, inequitable, or inconsistent in application to a class of customers. Moreover, nothing in this section shall be construed to allow refunds based on claims that approved rates have not encouraged energy conservation or renewable energy use, or have not furthered the goals of section 216B.164, 216B.241, or 216C.05. A refund under this paragraph shall not apply to revenues collected more than six years prior to the date of the notice of the commission proceeding required under this subdivision."

Delete the title and insert:

"A bill for an act relating to utilities; authorizing Public Utilities Commission to order refunds of unlawful utility rate revenues; amending Minnesota Statutes 2008, section 216B.23, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 1218, A bill for an act relating to state government; ratifying state labor contracts.

Reported the same back with the following amendments:

Page 2, after line 14, insert:

"Subd. 10. **State university faculty.** The settlement agreement between the state of Minnesota and the Inter Faculty Organization, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 23, 2009, is ratified."

Page 2, delete line 16 and insert:

"Section 1, subdivisions 1 to 9, are effective the day following final enactment. Section 1, subdivision 10, is effective July 1, 2009."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Rukavina from the Higher Education and Workforce Development Finance and Policy Division to which was referred:

H. F. No. 1251, A bill for an act relating to economic development; authorizing the economic development authority to become a member of a limited liability company; amending Minnesota Statutes 2008, section 469.101, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **WINONA COUNTY ECONOMIC DEVELOPMENT AUTHORITY; WIND ENERGY PROJECT.**

(a) The Winona County economic development authority may form or become a member of a limited liability company organized under Minnesota Statutes, chapter 322B, for the purpose of developing a community-based energy development project pursuant to Minnesota Statutes, section 216B.1612. A project authorized by this section may not sell, transmit, or distribute the electrical energy at retail or provide for end use of the electrical energy to an off-site facility of the economic development authority or the limited liability company. Nothing in this section modifies the exclusive service territories or exclusive right to serve as provided in Minnesota Statutes, sections 216B.37 to 216B.43.

(b) The authority may acquire a leasehold interest in property outside its corporate boundaries for the purpose of developing a community-based energy development project as provided in Minnesota Statutes, section 216B.1612.

**EFFECTIVE DATE.** This section is effective the day after the county of Winona and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Delete the title and insert:

"A bill for an act relating to economic development; authorizing an economic development authority to become a limited liability company member."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 1268, A bill for an act relating to state government; authorizing use of state space for employee fitness and wellness activities; authorizing rulemaking; amending Minnesota Statutes 2008, section 16B.24, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1276, A bill for an act relating to health and human services; relieving counties of certain mandates; allowing counties to place children for treatment in bordering states; modifying county payment of funeral expenses; modifying certain nursing facility rules; providing an alternative licensing method for day training and habilitation services; accepting certain independent audits; modifying renewal notice requirements; modifying health care program information that school district or charter school must provide; amending Minnesota Statutes 2008, sections 62Q.37, subdivision 3; 144A.04, subdivision 11, by adding a subdivision; 144A.45, subdivision 1; 245.4882, subdivisions 1, 2; 245.4885, subdivision 1a; 245A.09, subdivision 7; 256.935; 256.962, subdivisions 6, 7; 256B.0625, subdivision 41; 256B.0915, subdivision 3h; 256B.0945, subdivision 1; 256F.13, subdivision 1; 260C.212, subdivisions 4a, 11; 261.035; 471.61, subdivision 1; repealing Minnesota Rules, part 4668.0110, subpart 5.

Reported the same back with the following amendments:

Page 1, line 24, strike "subdivisions 7 and 9" and insert "subdivision 7, and for children in voluntary placement for treatment, the court review process in section 260D.06"

Page 1, line 26, delete "which includes" and insert "that may include"

Page 2, line 15, delete "county has inspected and" and insert "state has"

Page 2, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2008, section 256.935, subdivision 1, is amended to read:

Subdivision 1. **Cremation and funeral expenses.** On the death of any person receiving public assistance through MFIP, the county agency shall ~~pay attempt to contact the decedent's spouse or next of kin. If the agency is not able to contact a spouse or next of kin, the agency shall pay for cremation of the person's remains. If the county agency contacts the decedent's spouse or next of kin and it is determined that cremation is not in accordance with the religious and moral beliefs of the decedent or the decedent's spouse or the decedent's next of kin, the county agency shall pay~~ an amount for funeral expenses including the transportation of the body into or out of the community in which the deceased resided not exceeding the amount paid for comparable services under section 261.035 plus actual cemetery charges. ~~No cremation or funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses or if the spouse, who was legally responsible for the support of the deceased while living, is able to pay such expenses; provided, that the additional payment or donation of the cost of cemetery lot, interment, religious service, or for the transportation of the body into or out of the community in which the deceased resided, shall not limit payment by the county agency as herein authorized.~~ Freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the cremation or burial of any such deceased recipient. In determining the sufficiency of such estate, due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant cremation or funeral expenses where the sale would cause undue loss to the estate. Any amount paid for cremation or funeral expenses shall be a prior claim against the estate, as provided in section 524.3-805, and any amount recovered shall be reimbursed to the agency which paid the expenses. The commissioner shall specify requirements for reports, including fiscal reports, according to section 256.01, subdivision 2, paragraph ~~(47)~~ (q). The state share shall pay the entire amount of county agency expenditures. Benefits shall be issued to recipients by the state or county subject to provisions of section 256.017."

Page 3, line 32, delete "county has inspected and" and insert "state has"

Page 6, line 29, strike "The commissioner shall revise"

Page 6, strike line 30

Page 6, line 31, strike "group family foster care."

Page 7, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 2008, section 261.035, is amended to read:

**261.035 CREMATION AND FUNERALS AT EXPENSE OF COUNTY.**

When a person dies in any county without apparent means to provide for that person's funeral or final disposition, the county board shall first investigate to determine whether that person had contracted for any prepaid funeral arrangements. If prepaid arrangements have been made, the county shall authorize arrangements to be implemented in accord with the instructions of the deceased. If it is determined that the person did not leave sufficient means to defray the necessary expenses of a funeral and final disposition, nor any spouse of sufficient ability to procure the burial, the county board shall provide for ~~a funeral and final disposition~~ cremation of the person's remains ~~to be made~~ at the expense of the county. If it is determined that cremation is not in accordance with the religious and moral beliefs of the decedent or the decedent's spouse or the decedent's next of kin, the county board shall provide for a funeral. Counties may establish a maximum rate for funeral expenses. Any funeral and final disposition provided at the expense of the county shall be in accordance with religious and moral beliefs of the decedent or the decedent's spouse or the decedent's next of kin. If the wishes of the decedent are not known and the county has no information about the existence of or location of any next of kin, the county ~~may determine the method of final disposition~~ may provide for cremation of the person's remains."

Page 8, line 3, after "audit" insert ", including standards and audit practices,"

Page 8, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 2008, section 144A.04, subdivision 11, is amended to read:

Subd. 11. **Incontinent residents.** Notwithstanding Minnesota Rules, part 4658.0520, an incontinent resident must be ~~checked according to a specific time interval written in the resident's treated according to the comprehensive assessment and~~ care plan. ~~The resident's attending physician must authorize in writing any interval longer than two hours unless the resident, if competent, or a family member or legally appointed conservator, guardian, or health care agent of a resident who is not competent, agrees in writing to waive physician involvement in determining this interval, and this waiver is documented in the resident's care plan.~~

Sec. 3. Minnesota Statutes 2008, section 144A.04, is amended by adding a subdivision to read:

Subd. 12. **Resident positioning.** Notwithstanding Minnesota Rules, part 4658.0525, subpart 4, the position of residents unable to change their own position must be changed based on the comprehensive assessment and care plan."

Page 12, delete section 8

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1306, A bill for an act relating to pet animals; requiring a notice for retail sales of cocoa bean shell mulch; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[325E.128] NOTICE FOR UNPROCESSED COCOA BEAN SHELL MULCH.**

(a) Except as provided in paragraph (d), a person who sells a product containing cocoa bean shell mulch at retail must post the notice in paragraph (b) in a manner clearly visible to a consumer examining a product containing cocoa bean mulch offered for sale.

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

"The ingestion of cocoa bean shell mulch that has not been processed to be nontoxic is poisonous to pets. If a pet has eaten unprocessed cocoa bean shell mulch, you should immediately contact a veterinarian or the Animal Poison Control Center at (888) 426-4435."

(c) A retailer may include additional language in the notice in order to promote the sale of a product containing unprocessed cocoa bean shell mulch, provided that the language in paragraph (b) is present.

(d) This section does not apply to the sale of product containing cocoa bean shell mulch that has been processed to remove theobromine to a nontoxic level from the cocoa bean shell mulch."

Delete the title and insert:

"A bill for an act relating to pet animals; requiring a notice for retail sales of unprocessed cocoa bean shell mulch; proposing coding for new law in Minnesota Statutes, chapter 325E."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 1467, A bill for an act relating to railroads; directing commissioner to apply for federal grants for rail safety technology; amending Minnesota Statutes 2008, section 219.01.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 219.01, is amended to read:

**219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.** (a) The track safety standards of the United States Department of Transportation and Federal Railroad Administration apply to railroad trackage and are the standards for the determination of unsafe trackage within the state.

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

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

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 1849, A bill for an act relating to local government; removing, extending, or modifying certain mandates upon local governmental units; amending Minnesota Statutes 2008, sections 6.80, by adding a subdivision; 211B.37; 306.243, by adding a subdivision; 326B.145; 344.18; 375.12, subdivision 2; 375.17, subdivision 1; 382.265; 384.151, subdivision 1a; 385.373, subdivision 1a; 386.015, subdivision 2; 387.20, subdivisions 1, 2; 429.041, subdivisions 1, 2; 469.015; 471.999; 473.862; 508.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 2008, sections 15.435; 373.42; 384.151, subdivisions 1, 3; 385.373, subdivisions 1, 3; 386.015, subdivisions 1, 4; 387.20, subdivision 4; 471.661.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[14.128] EFFECTIVE DATE FOR RULES REQUIRING LOCAL IMPLEMENTATION.**

Subdivision 1. **Determination.** An agency must determine if a local government will be required to adopt or amend an ordinance or other regulation to comply with a proposed agency rule. An agency must make this determination before the close of the hearing record or before the agency submits the record to the administrative law judge if there is no hearing. The administrative law judge must review and approve or disapprove the agency's determination. "Local government" means a town, county, or home rule charter or statutory city.

Subd. 2. **Effective dates.** If the agency determines that the proposed rule requires adoption or amendment of an ordinance or other regulation, or if the administrative law judge disapproves the agency's determination that the rule does not have this effect, the rule may not become effective until:

- (1) the next July 1 or January 1 after notice of final adoption is published in the State Register; or
- (2) a later date provided by law or specified in the proposed rule.

Subd. 3. **Exceptions.** Subdivision 2 does not apply:

(1) to a rule adopted under section 14.388, 14.389, or 14.3895, or under another law specifying that the rulemaking procedures of this chapter do not apply;

(2) if the administrative law judge approves an agency's determination that the rule has been proposed pursuant to a specific federal statutory or regulatory mandate that requires the rule to take effect before the date specified in subdivision 1; or

- (3) if the governor waives application of subdivision 2.

Sec. 2. Minnesota Statutes 2008, section 16C.28, subdivision 1a, is amended to read:

Subd. 1a. **Establishment and purpose.** (a) The state recognizes the importance of the inclusion of a best value contracting system for construction as an alternative to the current low-bid system of procurement. In order to accomplish that goal, state and local governmental entities shall be able to choose the best value system in different phases.

(b) "Best value" means the procurement method defined in section 16C.02, subdivision 4a.

(c) The following entities are eligible to participate in phase I:

(1) state agencies;

(2) counties;

(3) cities; and

(4) school districts with the highest 25 percent enrollment of students in the state.

Phase I begins on July 1, 2007.

(d) The following entities are eligible to participate in phase II:

(1) those entities included in phase I; and

(2) school districts with the highest 50 percent enrollment of students in the state.

Phase II begins two years from July 1, 2007.

(e) The following entities are eligible to participate in phase III:

(1) all entities included in phases I and II; and

(2) all other townships, school districts, and political subdivisions in the state.

Phase III begins three years from July 1, 2007.

~~(f) The commissioner or any agency for which competitive bids or proposals are required may not use best value contracting as defined in section 16C.02, subdivision 4a, for more than one project annually, or 20 percent of its projects, whichever is greater, in each of the first three fiscal years in which best value construction contracting is used.~~

Sec. 3. Minnesota Statutes 2008, section 211B.37, is amended to read:

#### **211B.37 COSTS ASSESSED.**

Except as otherwise provided in section 211B.36, subdivision 3, the chief administrative law judge shall assess the cost of considering complaints filed under section 211B.32 as provided in this section. Costs of complaints relating to a statewide ballot question or an election for a statewide or legislative office must be assessed against the appropriation from the general fund to the general account of the state elections campaign fund in section 10A.31, subdivision 4. Costs of complaints relating to any other ballot question or elective office must be assessed against

~~the county or counties in which the election is held~~ local jurisdiction where the election was the subject of the complaint. Where the election is held in more than one ~~county~~ jurisdiction, the chief administrative law judge shall apportion the assessment among the ~~counties~~ jurisdictions in proportion to their respective populations within the election district to which the complaint relates according to the most recent decennial federal census.

Sec. 4. Minnesota Statutes 2008, section 306.243, is amended by adding a subdivision to read:

Subd. 6. **Abandonment; end of operation as cemetery.** A county that has accepted responsibility for an abandoned cemetery may prohibit further burials in the abandoned cemetery, and may cease all acceptance of responsibility for new burials.

Sec. 5. Minnesota Statutes 2008, section 326B.145, is amended to read:

#### **326B.145 ANNUAL REPORT.**

Beginning with the first report filed by June 30, 2003, each municipality shall annually report by June 30 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors if the cumulative fees collected exceeded ~~\$5,000~~ \$10,000 in the reporting year. The report must include:

- (1) the number and valuation of units for which fees were paid;
- (2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and
- (3) the expenses associated with the municipal activities for which fees were collected.

**EFFECTIVE DATE.** This section is effective on the day following final enactment, and is repealed on December 31, 2013, at which time this section reverts to the statute as it existed on the day of final enactment.

Sec. 6. Minnesota Statutes 2008, section 344.18, is amended to read:

#### **344.18 COMPENSATION OF VIEWERS.**

~~Fence viewers must be paid for their services by the person employing them at the rate of \$15 each for each day's employment. \$60 must be deposited with the town or city treasurer before the service is performed. Upon completion of the service, any of the \$60 not spent to compensate the fence viewers must be returned to the depositor. The town board may by resolution require the person employing the fence viewers to post a bond or other security acceptable to the board for the total estimated costs before the viewing takes place. The total estimated costs may include the cost of professional and other services, hearing costs, administrative costs, recording costs, and other costs and expenses which the town may incur in connection with the viewing.~~

Sec. 7. Minnesota Statutes 2008, section 365.28, is amended to read:

#### **365.28 PUBLIC BURIAL GROUND IS TOWN'S AFTER TEN YEARS.**

A tract of land in a town becomes town property after it has been used as a public burial ground for ten years if the tract is not owned by a cemetery association. The town board shall control the burial ground as it controls other town cemeteries. A town that has accepted responsibility for an abandoned cemetery may prohibit further burials in the abandoned cemetery, and may cease all acceptance of responsibility for new burials.

Sec. 8. Minnesota Statutes 2008, section 375.055, subdivision 1, is amended to read:

Subdivision 1. **Fixed by county board.** (a) The county commissioners in all counties, except Hennepin and Ramsey, shall receive as compensation for services rendered by them for their respective counties, annual salaries and in addition may receive per diem payments and reimbursement for necessary expenses in performing the duties of the office as set by resolution of the county board. The salary and schedule of per diem payments shall not be effective until January 1 of the next year. The resolution shall contain a statement of the new salary on an annual basis. The board may establish a schedule of per diem payments for service by individual county commissioners on any board, committee, or commission of county government including committees of the board, or for the performance of services by individual county commissioners when required by law. In addition to its publication in the official newspaper of the county as part of the proceedings of the meeting of the county board, the resolution setting the salary and schedule of per diem payments shall be published in one other newspaper of the county, if there is one located in a different municipality in the county than the official newspaper. The salary of a county commissioner or the schedule of per diem payments shall not change except in accordance with this subdivision.

(b) Notwithstanding paragraph (a), a resolution adopted by the county board to decrease commissioners' salaries or per diem payments may take effect at any time.

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

Sec. 9. Minnesota Statutes 2008, section 375.12, subdivision 2, is amended to read:

Subd. 2. **Small claims totaled.** Individualized itemized accounts, claims or demands allowed by the county board pursuant to section 471.38, subdivision 1, need not be published pursuant to subdivision 1, if the amount allowed from each claim is ~~\$300~~ \$2,000 or less. The official proceedings following the itemization of accounts required shall contain a statement showing the total number of claims that did not exceed ~~\$300~~ \$2,000 and their total dollar amount.

Sec. 10. Minnesota Statutes 2008, section 382.265, is amended to read:

**382.265 CLERK HIRE IN CERTAIN COUNTIES.**

In all counties of this state where the amount of clerk hire now or hereafter provided by law for any county office shall be insufficient to meet the requirements of said office, the county officer in need of additional clerk hire shall prepare a petition and statement setting forth therein the amount of additional clerk hire needed and file the same with the county auditor, who shall present the same to the board of county commissioners at the next meeting of said board. If the board of county commissioners shall grant said petition by majority vote of all members elected to the board, then the amount of additional clerk hire requested in said petition shall thereupon become effective for said office. Said board shall act on any such petition within 60 days from the time it has been filed with the county auditor. If the board of county commissioners shall determine that the amount of additional clerk hire requested in said petition is excessive and more than is necessary for said office, it shall fix the amount of such additional clerk hire to be allowed, if any, and notify such officer thereof. ~~If said county officer or any taxpayer of the county shall be dissatisfied with the decision of the board of county commissioners, the officer may, at the officer's own expense, within ten days after the decision of said board, appeal to the district court. The district court, either in term or vacation and upon ten days' notice to the chair of the board of county commissioners, shall hear such appeal and summarily determine the amount of additional clerk hire needed by an order, a copy of which shall be filed with the county auditor.~~

Sec. 11. Minnesota Statutes 2008, section 383B.021, is amended to read:

**383B.021 COMPENSATION.**

No per diem payment shall be allowed county board members for service on the county board or any other county body. County board members shall pay for parking in county owned parking facilities where payment is required. County board members may be allowed mileage for use of their personal automobile at a rate per mile.

The Hennepin County board may set the salary of board members by resolution limited to that subject. The salary must be stated as a fixed dollar amount. Adjustments in commissioners' salaries shall be adopted by the county board by resolution prior to a general election to take effect January 1 of the succeeding year, except that a resolution adopted by the county board to decrease commissioners' salaries may take effect at any time. Any resolution that makes an adjustment must state the change and the resulting salary for a member as fixed dollar amounts.

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

Sec. 12. Minnesota Statutes 2008, section 384.151, subdivision 1a, is amended to read:

Subd. 1a. **Implementation.** (a) The county board of each of the counties ~~specified in subdivision 1~~ of less than 75,000 population annually shall set by resolution the salary of the county auditor which shall be paid to the county auditor at such intervals as the board shall determine but not less often than once each month.

(b) At the January meeting prior to the first date on which applicants may file for the office of county auditor the board shall set by resolution the minimum salary to be paid the county auditor for the term next following.

(c) In the event a vacancy occurs in the office of county auditor the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year.

~~(d) The board, in any case specified in this subdivision, may not set the annual salary at an amount less than the minimums provided in this subdivision but it may set the salary in excess of such minimums.~~

~~(e)~~ (d) The salary of the county auditor shall not be reduced during the term for which the auditor was elected or appointed.

~~(f)~~ (e) In the event that duties are assigned to the auditor which are in addition to duties as auditor, additional compensation may be provided for the additional duties. The county board by resolution shall determine the additional compensation which shall be paid and specify the duties for which the additional compensation is to be paid.

Sec. 13. Minnesota Statutes 2008, section 385.373, subdivision 1a, is amended to read:

Subd. 1a. **Implementation.** (a) The county board of each of the counties ~~specified in subdivision 1~~ of less than 75,000 population annually shall set by resolution the salary of the county treasurer which shall be paid to the county treasurer at such intervals as the board shall determine but not less often than once each month.

(b) At the January meeting prior to the first date on which applicants may file for the office of county treasurer the board shall set by resolution the minimum salary to be paid the county treasurer for the term next following.

(c) In the event a vacancy occurs in the office of county treasurer the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year.

~~(d) The board in no case may set the annual salary at an amount less than the minimums provided in this subdivision but it may set the salary in excess of the minimums.~~

~~(e)~~ (d) The salary of the county treasurer shall not be reduced during the term for which the treasurer was elected or appointed.

~~(f)~~ (e) In the event that duties are assigned to the treasurer which are in addition to duties as treasurer, additional compensation may be provided for the additional duties. The county board by resolution shall determine the additional compensation which shall be paid and specify the duties for which the additional compensation is to be paid.

Sec. 14. Minnesota Statutes 2008, section 386.015, subdivision 2, is amended to read:

Subd. 2. **Board's salary procedure.** (a) The county board of each of the counties ~~specified in subdivision 1 of less than 75,000 population~~ annually shall set by resolution the salary of the county recorder which shall be paid to the county recorder at such intervals as the board shall determine but not less often than once each month.

(b) At the January meeting prior to the first date on which applicants may file for the office of county recorder the board shall set by resolution the minimum salary to be paid county recorder for the term next following.

(c) In the event a vacancy occurs in the office of the county recorder the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year.

~~(d) The board in any case specified in this subdivision may not set the annual salary at an amount less than the minimum provided in subdivision 1 but it may set the salary in excess of such minimums.~~

~~(e)~~ (d) The salary of the county recorder shall not be reduced during the term for which the recorder is elected or appointed.

~~(f)~~ (e) In the event that duties are assigned to the county recorder which are in addition to duties as county recorder, additional compensation may be provided for the additional duties. The county board by resolution shall determine the additional compensation which shall be paid and specify the duties for which the additional compensation is to be paid.

Sec. 15. Minnesota Statutes 2008, section 387.20, subdivision 1, is amended to read:

Subdivision 1. **Counties under 75,000.** ~~(a) The sheriffs of all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive yearly salaries for all services rendered by them for their respective counties, not less than the following amounts according to the then last preceding federal census:~~

~~(1) in counties with less than 10,000 inhabitants, \$6,000;~~

~~(2) in counties with 10,000 but less than 20,000 inhabitants, \$6,500;~~

~~(3) in counties with 20,000 but less than 30,000 inhabitants, \$7,000;~~

~~(4) in counties with 30,000 but less than 40,000 inhabitants, \$7,500;~~

~~(5) in counties with 40,000 or more inhabitants, \$8,000.~~

~~(b)~~ (a) In addition to ~~such the sheriff's salary each, the~~ sheriff shall be reimbursed for all expenses incurred in the performance of official duties for the sheriff's county and the claim for ~~such the~~ expenses shall be prepared, allowed, and paid in the same manner as other claims against counties are prepared, allowed, and paid except that the expenses incurred by ~~such the~~ sheriffs in the performance of service required of them in connection with insane persons either by a district court or by law and a per diem for deputies and assistants necessarily required under ~~such the~~ performance of ~~such the~~ services shall be allowed and paid as provided by the law regulating the apprehension, examination, and commitment of insane persons; provided that any sheriff or deputy receiving an annual salary shall pay over any per diem received to the county in the manner and at the time prescribed by the county board, but not less often than once each month.

~~(e)~~ (b) All claims for livery hire shall state the purpose for which such livery was used and have attached thereto a receipt for the amount paid for such livery signed by the person of whom it was hired.

~~(d)~~ (c) A county may pay a sheriff or deputy as compensation for the use of a personal automobile in the performance of official duties a mileage allowance prescribed by the county board or a monthly or other periodic allowance in lieu of mileage. The allowance for automobile use is not subject to limits set by other law.

Sec. 16. Minnesota Statutes 2008, section 387.20, subdivision 2, is amended to read:

Subd. 2. **Board procedure, details.** (a) The county board of each of the counties ~~specified in this section of less than 75,000 population~~ annually shall set by resolution the salary of the county sheriff which shall be paid to the county sheriff at such intervals as the board shall determine, but not less often than once each month.

(b) At the January meeting prior to the first date on which applicants may file for the office of county sheriff the board shall set by resolution the minimum salary to be paid the county sheriff for the term next following.

(c) In the event a vacancy occurs in the office of county sheriff, the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year.

~~(d) The board in any case specified in this subdivision may not set the annual salary at an amount less than the minimum provided in this subdivision, but it may set the salary in excess of such minimums.~~

~~(e)~~ (d) The salary of the county sheriff shall not be reduced during the term for which the sheriff was elected or appointed.

Sec. 17. Minnesota Statutes 2008, section 415.11, is amended by adding a subdivision to read:

Subd. 3. **Temporary reductions.** Notwithstanding subdivision 2 or a charter provision to the contrary, the governing body may enact an ordinance to take effect before the next succeeding municipal election that reduces the salaries of the members of the governing body. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the salary of the members reverts to the salary in effect immediately before the ordinance was enacted.

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

Sec. 18. Minnesota Statutes 2008, section 429.041, subdivision 1, is amended to read:

Subdivision 1. **Plans and specifications, advertisement for bids.** When the council determines to make any improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as authorized by subdivision 2, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution ordering the improvement. The

council shall cause plans and specifications of the improvement to be made, or if previously made, to be modified, if necessary, and to be approved and filed with the clerk, and if the estimated cost exceeds ~~\$50,000~~ the amount in section 471.345, subdivision 3, shall advertise for bids for the improvement in the newspaper and such other papers and for such length of time as it may deem advisable. If the estimated cost exceeds ~~\$100,000~~ twice the amount in section 471.345, subdivision 3, publication shall be made no less than three weeks before the last day for submission of bids once in the newspaper and at least once in either a newspaper published in a city of the first class or a trade paper. To be eligible as such a trade paper, a publication shall have all the qualifications of a legal newspaper except that instead of the requirement that it shall contain general and local news, such trade paper shall contain building and construction news of interest to contractors in this state, among whom it shall have a general circulation. The advertisement shall specify the work to be done, shall state the time when the bids will be publicly opened for consideration by the council, which shall be not less than ten days after the first publication of the advertisement when the estimated cost is less than ~~\$100,000~~ twice the amount in section 471.345, subdivision 3, and not less than three weeks after such publication in other cases, and shall state that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk, for such percentage of the amount of the bid as the council may specify. In providing for the advertisement for bids the council may direct that the bids shall be opened publicly by two or more designated officers or agents of the municipality and tabulated in advance of the meeting at which they are to be considered by the council. Nothing herein shall prevent the council from advertising separately for various portions of the work involved in an improvement, or from itself, supplying by such means as may be otherwise authorized by law, all or any part of the materials, supplies, or equipment to be used in the improvement or from combining two or more improvements in a single set of plans and specifications or a single contract.

Sec. 19. Minnesota Statutes 2008, section 429.041, subdivision 2, is amended to read:

Subd. 2. **Contracts; day labor.** In contracting for an improvement, the council shall require the execution of one or more written contracts and bonds, conditioned as required by law. The council shall award the contract to the lowest responsible bidder or it may reject all bids. If any bidder to whom a contract is awarded fails to enter promptly into a written contract and to furnish the required bond, the defaulting bidder shall forfeit to the municipality the amount of the defaulter's cash deposit, cashier's check, bid bond, or certified check, and the council may thereupon award the contract to the next lowest responsible bidder. When it appears to the council that the cost of the entire work projected will be less than ~~\$50,000~~ the amount in section 471.345, subdivision 3, or whenever no bid is submitted after proper advertisement or the only bids submitted are higher than the engineer's estimate, the council may advertise for new bids or, without advertising for bids, directly purchase the materials for the work and do it by the employment of day labor or in any other manner the council considers proper. The council may have the work supervised by the city engineer or other qualified person but shall have the work supervised by a registered engineer if done by day labor and it appears to the council that the entire cost of all work and materials for the improvement will be more than ~~\$25,000~~ the lowest amount in section 471.345, subdivision 4. In case of improper construction or unreasonable delay in the prosecution of the work by the contractor, the council may order and cause the suspension of the work at any time and relet the contract, or order a reconstruction of any portion of the work improperly done, and where the cost of completion or reconstruction necessary will be less than ~~\$50,000~~ the amount in section 471.345, subdivision 3, the council may do it by the employment of day labor.

Sec. 20. Minnesota Statutes 2008, section 469.015, is amended to read:

#### **469.015 LETTING OF CONTRACTS; PERFORMANCE BONDS.**

Subdivision 1. **Bids; notice.** All construction work, and work of demolition or clearing, and every purchase of equipment, supplies, or materials, necessary in carrying out the purposes of sections 469.001 to 469.047, that involve expenditure of ~~\$50,000~~ the amount in section 471.345, subdivision 3, or more shall be awarded by contract. Before receiving bids the authority shall publish, once a week for two consecutive weeks in an official newspaper of general circulation in the community a notice that bids will be received for that construction work, or that purchase

of equipment, supplies, or materials. The notice shall state the nature of the work and the terms and conditions upon which the contract is to be let, naming a time and place where bids will be received, opened and read publicly, which time shall be not less than seven days after the date of the last publication. After the bids have been received, opened and read publicly and recorded, the authority shall award the contract to the lowest responsible bidder, provided that the authority reserves the right to reject any or all bids. Each contract shall be executed in writing, and the person to whom the contract is awarded shall give sufficient bond to the authority for its faithful performance. If no satisfactory bid is received, the authority may readvertise. The authority may establish reasonable qualifications to determine the fitness and responsibility of bidders and to require bidders to meet the qualifications before bids are accepted.

Subd. 1a. **Best value alternative.** As an alternative to the procurement method described in subdivision 1, the authority may issue a request for proposals and award the contract to the vendor or contractor offering the best value under a request for proposals as described in section 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c).

Subd. 2. **Exception; emergency.** If the authority by a vote of four-fifths of its members shall declare that an emergency exists requiring the immediate purchase of any equipment or material or supplies at a cost in excess of ~~\$50,000~~ the amount in section 471.345, subdivision 3, but not exceeding ~~\$75,000~~ one-half again as much as the amount in section 471.345, subdivision 3, or making of emergency repairs, it shall not be necessary to advertise for bids, but the material, equipment, or supplies may be purchased in the open market at the lowest price obtainable, or the emergency repairs may be contracted for or performed without securing formal competitive bids. An emergency, for purposes of this subdivision, shall be understood to be unforeseen circumstances or conditions which result in the placing in jeopardy of human life or property.

Subd. 3. **Performance and payment bonds.** Performance and payment bonds shall be required from contractors for any works of construction as provided in and subject to all the provisions of sections 574.26 to 574.31 except for contracts entered into by an authority for an expenditure of less than ~~\$50,000~~ the minimum threshold amount in section 471.345, subdivision 3.

Subd. 4. **Exceptions.** (a) An authority need not require competitive bidding in the following circumstances:

(1) in the case of a contract for the acquisition of a low-rent housing project:

(i) for which financial assistance is provided by the federal government;

(ii) which does not require any direct loan or grant of money from the municipality as a condition of the federal financial assistance; and

(iii) for which the contract provides for the construction of the project upon land that is either owned by the authority for redevelopment purposes or not owned by the authority at the time of the contract but the contract provides for the conveyance or lease to the authority of the project or improvements upon completion of construction;

(2) with respect to a structured parking facility:

(i) constructed in conjunction with, and directly above or below, a development; and

(ii) financed with the proceeds of tax increment or parking ramp general obligation or revenue bonds;

(3) until August 1, 2009, with respect to a facility built for the purpose of facilitating the operation of public transit or encouraging its use:

- (i) constructed in conjunction with, and directly above or below, a development; and
  - (ii) financed with the proceeds of parking ramp general obligation or revenue bonds or with at least 60 percent of the construction cost being financed with funding provided by the federal government; and
- (4) in the case of any building in which at least 75 percent of the usable square footage constitutes a housing development project if:
- (i) the project is financed with the proceeds of bonds issued under section 469.034 or from nongovernmental sources;
  - (ii) the project is either located on land that is owned or is being acquired by the authority only for development purposes, or is not owned by the authority at the time the contract is entered into but the contract provides for conveyance or lease to the authority of the project or improvements upon completion of construction; and
  - (iii) the authority finds and determines that elimination of the public bidding requirements is necessary in order for the housing development project to be economical and feasible.
- (b) An authority need not require a performance bond for the following projects:
- (1) a contract described in paragraph (a), clause (1);
  - (2) a construction change order for a housing project in which 30 percent of the construction has been completed;
  - (3) a construction contract for a single-family housing project in which the authority acts as the general construction contractor; or
  - (4) a services or materials contract for a housing project.

For purposes of this paragraph, "services or materials contract" does not include construction contracts.

Subd. 5. **Security in lieu of bond.** The authority may accept a certified check or cashier's check in the same amount as required for a bond in lieu of a performance bond for contracts entered into by an authority for an expenditure of less than ~~\$50,000~~ the minimum threshold amount in section 471.345, subdivision 3. The check must be held by the authority for 90 days after the contract has been completed. If no suit is brought within the 90 days, the authority must return the amount of the check to the person making it. If a suit is brought within the 90-day period, the authority must disburse the amount of the check pursuant to the order of the court.

Sec. 21. Minnesota Statutes 2008, section 473.862, is amended to read:

**473.862 METRO COUNTIES OTHER THAN HENNEPIN, RAMSEY, ANOKA, AND DAKOTA.**

Subdivision 1. **Contents of plan.** Comprehensive plans of counties shall contain at least the following:

- (a) Except for the counties of Hennepin ~~and~~ Ramsey, Anoka, and Dakota, a land use plan as specified in section 473.859, subdivision 2, for all unincorporated territory within the county;
- (b) A public facilities plan which shall include all appropriate matters specified in section 473.859, subdivision 3, including a transportation plan, and a description of existing and projected solid waste disposal sites and facilities;
- (c) An implementation program, as specified in section 473.859, subdivision 4.

Subd. 2. **Towns with no plan by 1976.** Each county other than Hennepin ~~and~~ Ramsey, Anoka, and Dakota shall prepare, with the participation and assistance of the town, the comprehensive plan for any town within the county which fails by December 31, 1976, to take action by resolution pursuant to section 473.861, subdivision 2 and shall prepare all or part of any plan delegated to it pursuant to section 473.861, subdivision 2.

Subd. 3. **Towns that cannot plan.** Each county other than Hennepin ~~and~~ Ramsey, Anoka, and Dakota shall prepare, with the participation and assistance of the town, the comprehensive plan for each town within the county not authorized to plan under sections 462.351 to 462.364, or under special law.

Sec. 22. Minnesota Statutes 2008, section 641.12, subdivision 1, is amended to read:

Subdivision 1. **Fee.** A county board may require that each person who is booked for confinement at a county or regional jail, and not released upon completion of the booking process, pay a fee ~~of up to \$10~~ to the sheriff's department of the county in which the jail is located to cover costs incurred by the county in the booking of that person. The fee is payable immediately from any money then possessed by the person being booked, or any money deposited with the sheriff's department on the person's behalf. If the person has no funds at the time of booking or during the period of any incarceration, the sheriff shall notify the district court in the county where the charges related to the booking are pending, and shall request the assessment of the fee. Notwithstanding section 609.10 or 609.125, upon notification from the sheriff, the district court must order the fee paid to the sheriff's department as part of any sentence or disposition imposed. If the person is not charged, is acquitted, or if the charges are dismissed, the sheriff shall return the fee to the person at the last known address listed in the booking records.

Sec. 23. **REPEALER.**

Minnesota Statutes 2008, sections 373.42; 384.151, subdivisions 1 and 3; 385.373, subdivisions 1 and 3; 386.015, subdivisions 1 and 4; and 387.20, subdivision 4, are repealed."

Delete the title and insert:

"A bill for an act relating to local government; removing, extending, or modifying certain mandates upon local governmental units; amending Minnesota Statutes 2008, sections 16C.28, subdivision 1a; 211B.37; 306.243, by adding a subdivision; 326B.145; 344.18; 365.28; 375.055, subdivision 1; 375.12, subdivision 2; 382.265; 383B.021; 384.151, subdivision 1a; 385.373, subdivision 1a; 386.015, subdivision 2; 387.20, subdivisions 1, 2; 415.11, by adding a subdivision; 429.041, subdivisions 1, 2; 469.015; 473.862; 641.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 2008, sections 373.42; 384.151, subdivisions 1, 3; 385.373, subdivisions 1, 3; 386.015, subdivisions 1, 4; 387.20, subdivision 4."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 1856, A bill for an act relating to pupil transportation; authorizing a school district to report actual costs instead of allocated costs for contracted services; clarifying certain field trip costs; broadening resident district involvement when a student is placed in another district for care and treatment; increasing the maximum weight of a

type A-I school bus; modifying seat back and tailpipe equipment standards; amending Minnesota Statutes 2008, sections 123B.92, subdivisions 1, 5; 125A.15; 125A.51; 169.011, subdivision 71; 169.443, subdivision 9; 169.4501, subdivision 1; 169.4503, subdivision 20, by adding a subdivision; 169.454, subdivision 13; 169A.03, subdivision 23; 171.01, subdivision 22; 171.02, subdivisions 2, 2a; 171.321, subdivisions 1, 4, 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2134, A bill for an act relating to capital improvements; appropriating money for asset preservation for various state agencies and higher education facilities; authorizing the sale and issuance of state bonds; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 1, line 8, delete "\$21,500,000" and insert "\$20,000,000"

Page 1, line 11, delete "\$31,500,000" and insert "\$30,000,000"

Page 2, line 7, delete "\$2,173,000" and insert "\$2,138,000"

Page 2, line 22, delete "\$72,840,000" and insert "\$69,805,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Civil Justice to which was referred:

S. F. No. 166, A bill for an act relating to insurance; regulating life insurance; prohibiting stranger-originated life insurance; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 2008, sections 61A.073; 61A.074.

Reported the same back with the following amendments:

Page 1, delete lines 14 to 20

Page 1, line 21, delete "5" and insert "4"

Page 1, line 22, delete "6" and insert "5"

Page 2, line 3, delete "7" and insert "6"

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

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

Page 2, line 13, delete "10" and insert "9"

Page 2, line 14, delete "11" and insert "10"

Page 3, line 25, delete "12" and insert "11"

Page 4, delete lines 1 to 2

Page 7, line 6, delete "**PRESUMPTION OF STOLI PRACTICES**" and insert "**PROHIBITION; ENTRY INTO LIFE SETTLEMENT CONTRACT**"

Page 7, delete lines 8 to 25 and insert:

"Subdivision 1. **Prohibition; entry into life settlement contract.** No person at any time prior to, or at the time of, the application for, or issuance of, a policy, or during a two-year period commencing with the date of issuance of the policy, shall enter into a life settlement contract regardless of the date the compensation is to be provided and regardless of the date the assignment, transfer, sale, devise, bequest, or surrender of the policy is to occur, except as otherwise provided by law.

Subd. 2. **Presumption.** When a rebuttable presumption is created under this section, the burden of rebutting the presumption is on the policyowner and not the insured."

Page 7, line 26, delete "2" and insert "3"

Page 8, line 12, delete everything after "beneficiary"

Page 8, line 13, delete "is issued"

Page 8, line 15, delete everything after "contract"

Page 8, line 16, delete everything before the period

Page 8, delete lines 21 and 22 and insert:

"(3) if the answer to clause (2) is "yes," then an inquiry regarding whether the insured underwent a life-expectancy evaluation during the 18 months immediately preceding the issuance of the policy;

(4) if the answer to clause (3) is "yes," then an inquiry regarding whether, during the same period, the results of the life-expectancy evaluation were shared with or used by any person for the purposes of determining the actual or potential value of the policy in the secondary market;

(5) if the answer to clause (4) is "yes," then an inquiry regarding whether either of the following conditions exist:

(i) there was an agreement or understanding before issuance of the policy, between the insured and another person, to guarantee any liability or to purchase or stand ready to purchase the policy, including through an assumption or forgiveness of the loan; or

(ii) the policyowner funded a portion of the policy premiums by other than the following means:

(A) using personal assets provided by the insured or by a person who is closely related to the insured by blood or who has a lawful substantial economic interest in the continued life, health, and bodily safety of the insured; or

(B) full recourse liability financing incurred by the insured;"

Page 8, line 23, delete "(4)" and insert "(6)"

Page 8, line 26, delete "(5)" and insert "(7)"

Page 10, delete lines 8 to 12

Page 10, line 13, delete "5" and insert "3"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce and Labor.

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

S. F. No. 275, A bill for an act relating to natural resources; renaming the Minnesota River Basin Joint Powers Board; clarifying the duties and membership of board; amending Minnesota Statutes 2008, section 103F.378.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

S. F. No. 743, A bill for an act relating to commerce; weights and measures; updating petroleum standards; establishing standards for biodiesel blends and fuels; amending Minnesota Statutes 2008, sections 239.761, subdivisions 3, 4, 5, 6, 7, 9, 11, 16; 239.77, subdivision 1; 296A.01, subdivisions 8, 20, 23, 24, 26, 28.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

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

Reported the same back with the recommendation that the bill pass.

The report was adopted.

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

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

Reported the same back with the recommendation that the senate concurrent resolution be adopted.

The report was adopted.

### **SECOND READING OF HOUSE BILLS**

H. F. Nos. 412, 775, 855, 1038, 1306, 1467 and 2134 were read for the second time.

### **SECOND READING OF SENATE BILLS**

S. F. Nos. 33, 284, 675, 708, 1197, 275, 743 and 1329 were read for the second time.

### **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Downey, Kahn, Kiffmeyer and Winkler introduced:

H. F. No. 2270, A bill for an act relating to state government; assigning the Legislative Audit Commission and the commissioner of finance duties relating to financial management and internal controls; amending Minnesota Statutes 2008, sections 3.97, by adding a subdivision; 16A.055, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Abeler and Murphy, E., introduced:

H. F. No. 2271, A bill for an act relating to health licensing boards; appropriating money.

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

Dauids introduced:

H. F. No. 2272, A bill for an act relating to clean water; creating ground fuel storage grants; appropriating money.

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

Thao introduced:

H. F. No. 2273, A bill for an act relating to occupations and professions; providing licensure for dental professionals; amending Minnesota Statutes 2008, sections 150A.01, subdivision 8; 150A.02, subdivision 1; 150A.05, subdivisions 1, 2; 150A.06, subdivisions 2a, 2b, 2c, 2d, 4a, 5, 7, 8; 150A.08, subdivisions 1, 3, 3a, 5, 6, 8; 150A.081; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 7, 8, 9, 10, 11, 12, 14, 15, by adding subdivisions; 150A.10, subdivisions 1a, 2, 4; 150A.12; 150A.13; repealing Minnesota Statutes 2008, section 150A.09, subdivision 6.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Lesch, Kahn and Lanning introduced:

H. F. No. 2274, A bill for an act relating to taxation; income; providing for a film investment credit; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Morgan and Masin introduced:

H. F. No. 2275, A bill for an act relating to transportation; designating Sioux Trail Transit Way; requiring Metropolitan Council to conduct Sioux Trail Transit Way feasibility study.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Kelly introduced:

H. F. No. 2276, A bill for an act relating to the arts; appropriating money to Independent School District No. 813, Lake City.

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

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

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

S. F. Nos. 764 and 811.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 764, A bill for an act relating to state government; allowing state agencies to conduct meetings by telephone or by electronic means; proposing coding for new law in Minnesota Statutes, chapter 13D.

The bill was read for the first time.

Johnson moved that S. F. No. 764 and H. F. No. 456, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 811, A bill for an act relating to education finance; authorizing Independent School District No. 2887, McLeod West, to issue general obligation bonds for its reorganization operating debt.

The bill was read for the first time.

Shimanski moved that S. F. No. 811 and H. F. No. 1040, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

### FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 95.

S. F. No. 95, A bill for an act relating to state government finance; providing deficiency funding for certain state agencies; appropriating money.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark	Falk	Hilty	Knuth	Masin
Anderson, B.	Cornish	Faust	Holberg	Koenen	McFarlane
Anderson, P.	Davids	Fritz	Hoppe	Kohls	McNamara
Anderson, S.	Davnie	Gardner	Hornstein	Laine	Morgan
Anzalc	Dean	Garofalo	Hosch	Lanning	Morrow
Beard	Demmer	Gottwalt	Howes	Lenczewski	Mullery
Benson	Dettmer	Greiling	Huntley	Lesch	Murdock
Bigham	Dill	Gunther	Jackson	Liebling	Murphy, E.
Bly	Dittrich	Hackbarth	Johnson	Lieder	Murphy, M.
Brod	Doepke	Hamilton	Juhnke	Lillie	Nelson
Brown	Doty	Hansen	Kahn	Loeffler	Newton
Brynaert	Downey	Hausman	Kalin	Loon	Nornes
Bunn	Drazkowski	Haws	Kath	Mack	Norton
Carlson	Eken	Hayden	Kelly	Magnus	Obermueller
Champion	Emmer	Hilstrom	Kiffmeyer	Marquart	Olin

Otremba	Reinert	Scott	Slocum	Tillberry	Winkler
Paymar	Rosenthal	Seifert	Smith	Torkelson	Zellers
Pelowski	Rukavina	Sertich	Solberg	Urdahl	Spk. Kelliher
Peppin	Ruud	Severson	Sterner	Wagenius	
Persell	Sailer	Shimanski	Swails	Ward	
Peterson	Sanders	Simon	Thao	Walti	
Poppe	Scalze	Slawik	Thissen	Westrom	

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Lenczewski requested immediate consideration of S. F. No. 832.

S. F. No. 832, A bill for an act relating to taxation; income; extending the exception to minimum contacts required for jurisdiction to ownership of property on the premises of a printer under specific circumstances; amending Minnesota Statutes 2008, section 290.015, subdivision 3.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Lesch	Obermueller	Slawik
Anderson, B.	Dittrich	Hilty	Liebling	Olin	Slocum
Anderson, P.	Doepke	Holberg	Lieder	Otremba	Smith
Anderson, S.	Doty	Hoppe	Lillie	Paymar	Solberg
Anzelc	Downey	Hornstein	Loeffler	Pelowski	Sterner
Beard	Drazkowski	Hosch	Loon	Peppin	Swails
Benson	Eken	Howes	Mack	Persell	Thao
Bigham	Emmer	Huntley	Magnus	Peterson	Thissen
Bly	Falk	Jackson	Marquart	Poppe	Tillberry
Brod	Faust	Johnson	Masin	Reinert	Torkelson
Brown	Fritz	Juhnke	McFarlane	Rosenthal	Urdahl
Brynaert	Gardner	Kahn	McNamara	Rukavina	Wagenius
Bunn	Garofalo	Kalin	Morgan	Ruud	Ward
Carlson	Gottwalt	Kath	Morrow	Sailer	Walti
Champion	Greiling	Kelly	Mullery	Sanders	Westrom
Clark	Gunther	Kiffmeyer	Murdock	Scalze	Winkler
Cornish	Hackbarth	Knuth	Murphy, E.	Scott	Zellers
Davids	Hamilton	Koehn	Murphy, M.	Seifert	Spk. Kelliher
Davnie	Hansen	Kohls	Nelson	Sertich	
Dean	Hausman	Laine	Newton	Severson	
Demmer	Haws	Lanning	Nornes	Shimanski	
Dettmer	Hayden	Lenczewski	Norton	Simon	

The bill was passed and its title agreed to.

There being no objection, the order of business advanced to Motions and Resolutions.

**MOTIONS AND RESOLUTIONS**

Thao moved that the name of Otremba be added as an author on H. F. No. 535. The motion prevailed.

Kalin moved that the name of Sterner be added as an author on H. F. No. 680. The motion prevailed.

Lanning moved that his name be stricken as an author on H. F. No. 855. The motion prevailed.

Brown moved that her name be stricken as an author on H. F. No. 920. The motion prevailed.

Hayden moved that the name of Knuth be added as an author on H. F. No. 985. The motion prevailed.

Eken moved that the name of Sterner be added as an author on H. F. No. 1237. The motion prevailed.

Thissen moved that the name of Loeffler be added as an author on H. F. No. 1328. The motion prevailed.

Rosenthal moved that the name of Knuth be added as an author on H. F. No. 1432. The motion prevailed.

Rosenthal moved that the name of Sterner be added as an author on H. F. No. 1539. The motion prevailed.

Swails moved that the name of McNamara be added as an author on H. F. No. 1665. The motion prevailed.

Hornstein moved that the name of Loeffler be added as an author on H. F. No. 1705. The motion prevailed.

Eken moved that the name of Olin be shown as chief author on H. F. No. 1733. The motion prevailed.

Hilty moved that the name of Kalin be added as an author on H. F. No. 1744. The motion prevailed.

Norton moved that the name of Brynaert be added as an author on H. F. No. 1785. The motion prevailed.

Atkins moved that the name of Zellers be added as an author on H. F. No. 1853. The motion prevailed.

Gottwalt moved that the name of Bunn be added as an author on H. F. No. 1865. The motion prevailed.

Rukavina moved that the name of Sterner be added as an author on H. F. No. 2118. The motion prevailed.

Slocum moved that the name of Hansen be added as an author on H. F. No. 2141. The motion prevailed.

Reinert moved that his name be stricken as an author on H. F. No. 2156. The motion prevailed.

Clark moved that the name of Reinert be added as an author on H. F. No. 2165. The motion prevailed.

Howes moved that his name be stricken as an author on H. F. No. 2191. The motion prevailed.

Murphy, M., moved that the name of Loeffler be added as an author on H. F. No. 2229. The motion prevailed.

Scalze moved that the names of Ruud; Rosenthal; Murphy, E.; Hornstein; Swails; Nelson; Peterson; Davnie and Slawik be added as authors on H. F. No. 2249. The motion prevailed.

Winkler moved that the name of Brynaert be added as an author on H. F. No. 2257. The motion prevailed.

Senate Concurrent Resolution No. 6, the unofficial engrossment, was reported to the House.

#### SENATE CONCURRENT RESOLUTION NO. 6

A Senate concurrent resolution adopting Permanent Joint Rules of the Senate and House of Representatives.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring:

The Permanent Joint Rules of the Senate and the House of Representatives for the 86th Legislature shall read as follows:

#### JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES

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**ARTICLE I: JOINT CONVENTION****HOW GOVERNED**

1.01 The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

**PRESIDENT'S DUTIES**

1.02 The President of the Convention shall preserve order and decorum. The President may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. The President shall rise to put a question but may state it while seated.

**PRESIDENT'S RIGHT TO VOTE**

1.03 The President shall have the right to vote in all cases except appeals from the President's decisions. The President shall vote last on all questions.

**STATING QUESTIONS**

1.04 Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

**ORDER OF DEBATE**

1.05 When any member wishes to speak to the Convention on any matter, the member shall rise and respectfully address the President, and not speak further until recognized. The member shall speak only to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

### CALLING MEMBER TO ORDER

1.06 If any member of the Joint Convention is called to order for offensive words in debate, the member calling to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit the member to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall the member be at liberty to proceed.

### CALL OF THE CONVENTION

1.07 Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

### ELECTIONS

1.08 In all elections by the Joint Convention, members shall vote viva voce and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered in the Journal of each house and communicated to the Governor by the Secretary of the Convention.

### NO SMOKING

1.09 No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

### PARLIAMENTARY PROCEDURE

1.10 The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

## ARTICLE II: BILLS

### FORM

2.01 The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

"Minnesota Statutes ....., section ....."

Bills shall refer to the session laws as follows:

"Laws ....., chapter ....., section ....."

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chair of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairs to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section ~~648.36~~ 645.49.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

A bill may include or be accompanied by a table of contents.

A bill that repeals a statute may include or be accompanied by an appendix containing the full text of the section or subdivision repealed.

A bill containing a constitutional amendment may only contain the statutory language and changes necessary to conduct the constitutional election and to implement the constitutional amendment, should it pass. Extraneous statutory changes or additional topics may not be included in a bill proposing a constitutional amendment.

#### APPROPRIATING MONEY

2.02 The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions.

All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

#### DEADLINES

2.03 The Legislature shall establish by concurrent resolution deadlines for each regular session. The deadlines do not apply to the House committees on Capital Investment, Ways and Means, Finance, Taxes, or Rules and Legislative Administration, nor to the Senate committees on Capital Investment, Finance, Taxes, or Rules and Administration.

The first deadline is for committees to act favorably on bills in the house of origin.

The second deadline is for committees to act favorably on bills, or companions of bills, that met the first deadline in the other house.

A committee has until the second deadline to act favorably on a bill, or the companion of a bill, that by the first deadline was referred to a finance committee. The deadline for a committee of either house to act on a bill that has been recommended favorably by the Legislative Commission on Pensions and Retirement is the second committee deadline. The major appropriation bills are exempt from the first two deadlines.

The third deadline is for committees to act favorably on major appropriation and finance bills.

When a committee in either house acts favorably on a bill after a deadline established in the concurrent resolution, the bill must be referred in the Senate to the Committee on Rules and Administration and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Either rules committee, when reporting a bill referred to the committee under this rule, may waive application of the rule to subsequent actions on that bill by other committees.

All bills necessary to implement the governor's budget submitted by a state agency or department must be made available for introduction within 15 calendar days after the governor's budget was submitted. A bill introduced after that date must be referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House of Representatives and may not be heard without the approval of that committee.

#### AMENDING BILLS ORIGINATING IN OTHER HOUSE

2.04 Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

#### RECEDING FROM POSITION

2.05 Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

#### CONFERENCE COMMITTEES

2.06 In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

All Conference Committees shall be open to the public.

As much as practical, meetings of Conference Committees shall be announced as far in advance as possible, with the intent to provide a 24-hour notice, and actions taken shall be agreed upon in an open meeting. At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon. A conference committee may not meet between the hours of midnight and 7:00 a.m., except that a committee may extend a meeting for up to one hour past midnight by a vote of two-thirds of the members appointed to the committee by each house. The chair shall rotate between the Senate and the House of Representatives at least every calendar day, Sundays and holidays excepted. The conferees shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement.

If an agreement is reported, the house of origin shall act first upon the report. A Conference Committee report must be limited to provisions that are germane to the bill and amendments that were referred to the Conference Committee. A provision is not germane if it relates to a substantially different subject or is intended to accomplish a substantially different purpose from that of the bill and amendment that were referred to the Conference Committee.

A Conference Committee report may not appropriate a larger sum of money than the larger of the bill or the amendments that were referred to the Conference Committee unless the additional appropriation is authorized by the Speaker of the House of Representatives and the Majority Leader of the Senate.

A Conference Committee report may not delegate rulemaking to a department or agency of state government or exempt a department or agency of state government from rulemaking unless the delegation or exemption was included in either the bill or the amendment that was referred to the Conference Committee.

A Conference Committee report may not create a new commission, council, task force, board, or other body to which a member of the legislature may be appointed unless the body was created in either the bill or the amendment that was referred to the Conference Committee.

If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years, and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, to meet in regular session in even-numbered years, a written or electronic copy of a report of a Conference Committee shall be placed on the desk of each member of a house, or delivered electronically, twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report. The member presenting the Conference Committee report to the body shall disclose, either in writing or orally, the substantial changes from the bill or the amendment as they were last before the body.

#### ENROLLMENT AND SIGNATURE

2.07 After a bill or memorial or joint resolution has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House.

The enrollment shall be prepared on archival quality paper approximately 8 1/2" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" but otherwise shall be identical to the bill passed by the Legislature. Other enrollments shall be identical to the memorial or joint resolution passed by the legislature.

The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrollment. A joint resolution applying to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, ratifying an amendment to the Constitution of the United States, proposing an amendment to the Minnesota Constitution, or prescribing the compensation of judges shall not be presented to the Governor for approval but shall be deposited by the Revisor of Statutes with the Secretary of State. All other enrollments shall be presented to the Governor for approval.

### ARTICLE III: GENERAL PROVISIONS

#### SUSPENSION OF JOINT RULES

3.01 Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

#### ODD YEAR SESSION ADJOURNMENT

3.02 Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with the Governor's objections following the adjournment shall be laid on the table.

#### INTERIM COMMITTEE AND COMMISSION REPORTS

3.03 Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

### ARTICLE IV: ELECTION OF REGENTS

#### JOINT COMMITTEE

4.01 By ~~May 7~~ February 28 of each odd-numbered year, or at a date agreed to by concurrent resolution, a joint committee shall meet to recommend nominees for regent of the University of Minnesota to be presented to a Joint Convention of the legislature. The members of the joint committee are the members of the senate and house ~~committees~~ budget and policy divisions on higher education. A majority of the members from each house is a quorum of the joint committee.

~~The joint committee shall determine the number of persons, and the person or persons to be recommended for each open seat.~~

~~Each person recommended by the regent candidate advisory council is considered to be nominated. Other persons may be nominated by a member of the committee at the meeting. The joint committee may recommend to the joint convention candidates recommended by the advisory council and any other candidates nominated by the joint committee. Nominations may be made by committee members only. Nominations must be made for a specified congressional or student seat, or for any at-large seat. In recommending nominees, the joint committee must consider the needs of the University of Minnesota. A candidate other than one recommended by the advisory council may be nominated for consideration by the joint committee only if the nomination receives the support of at least three house of representatives members of the committee and two senate members of the committee. The joint committee must make recommendations for vacancies on the Board of Regents.~~

~~The roll shall be called viva voce on the recommendation of regents. A majority vote of the members of the joint committee is required for a candidate to be recommended. A candidate must receive a majority vote of members from the house of representatives and from the senate on the joint committee to be recommended to the joint convention.~~

The joint committee must meet to interview candidates and recommend candidates to the joint convention.

#### JOINT CONVENTION

4.02 At the Joint Convention of the Senate and House of Representatives called to elect regents, the joint committee shall report the name of the person or persons recommended for each seat. These persons are considered to be nominated. Any member of the legislature may submit additional nominations. If there is more than one at-large seat to be filled, all candidates nominated for an at-large seat are candidates for any of the at-large seats.

The roll shall be called viva voce on the election of regents. The roll must be called first on congressional district seats until they are filled, then on the student seat, and then on the at-large seats.

Each member may cast one vote for each seat to be filled, but no more than one vote for a candidate.

The candidate for each seat receiving a majority of the votes cast must be declared elected. If there is more than one at-large seat to be filled and more than one candidate who receives a majority of the votes cast, the candidates receiving the highest number of votes must be declared elected; in case of a tie for the highest number of votes, the votes must be cast again. If no candidate receives a majority of the votes cast for a seat, on each succeeding ballot the candidate with the fewest votes must be dropped from consideration and the votes cast again until a majority vote is achieved. Any candidate with fewer than 20 votes on any ballot shall also be dropped on succeeding ballots.

Sertich moved that Senate Concurrent Resolution No. 6, the unofficial engrossment, be now adopted.

Sertich moved to amend Senate Concurrent Resolution No. 6, the unofficial engrossment, as follows:

Page 4, line 28, strike "in italics or"

Page 4, line 28, strike "capitalized and in parentheses or"

Page 5, line 6, strike "capital letters enclosed in brackets" and insert "in bold face"

The motion prevailed and the amendment was adopted.

Seifert and Kahn moved to amend Senate Concurrent Resolution No. 6, the unofficial engrossment, as amended, as follows:

Page 9, after line 22, insert:

"PARKING

3.04 The parking spaces directly in front of the State Capitol shall be available for and reserved for public use. No member, staff, state employee, or registered lobbyist may park in these spaces."

Renumber the sections in sequence and correct the internal references

Sertich moved that the Seifert and Kahn amendment to Senate Concurrent Resolution No. 6, the unofficial engrossment, as amended, be referred to the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

The question was taken on the Sertich motion and the roll was called. There were 71 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Benson	Faust	Hosch	Lillie	Olin	Slocum
Bigham	Fritz	Huntley	Loeffler	Pelowski	Solberg
Bly	Gardner	Jackson	Mariani	Persell	Swails
Brynaert	Greiling	Johnson	Marquart	Peterson	Thao
Carlson	Hansen	Juhnke	Masin	Poppe	Thissen
Champion	Hausman	Kalin	Morrow	Rukavina	Tillberry
Clark	Haws	Knuth	Mullery	Ruud	Wagenius
Davnie	Hayden	Koenen	Murphy, E.	Sailer	Ward
Dill	Hilstrom	Laine	Murphy, M.	Scalze	Welti
Dittrich	Hilty	Lenczewski	Nelson	Sertich	Winkler
Eken	Hoppe	Lesch	Newton	Simon	Spk. Kelliher
Falk	Hornstein	Lieder	Norton	Slawik	

Those who voted in the negative were:

Abeler	Davids	Gottwalt	Kohls	Nornes	Severson
Anderson, B.	Dean	Gunther	Lanning	Obermueller	Shimanski
Anderson, P.	Demmer	Hackbarth	Liebling	Otremba	Smith
Anderson, S.	Dettmer	Hamilton	Loon	Paymar	Stern
Anzelc	Doepke	Holberg	Mack	Peppin	Torkelson
Beard	Doty	Howes	Magnus	Reinert	Urdahl
Brod	Downey	Kahn	McFarlane	Rosenthal	Westrom
Brown	Drazkowski	Kath	McNamara	Sanders	Zellers
Bunn	Emmer	Kelly	Morgan	Scott	
Cornish	Garofalo	Kiffmeyer	Murdock	Seifert	

The motion prevailed and the Seifert and Kahn amendment to Senate Concurrent Resolution No. 6, the unofficial engrossment, as amended, was referred to the Committee on Rules and Legislative Administration.

Seifert moved to amend Senate Concurrent Resolution No. 6, the unofficial engrossment, as amended, as follows:

Page 7, line 19, after "excepted." insert "A conference committee on an appropriations or tax omnibus bill must meet in public at least once each day, with the exceptions of Sundays and holidays, until the conference committee reports."

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 45 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gunther	Lanning	Peppin	Smith
Anderson, B.	Dettmer	Hackbarth	Loon	Rosenthal	Torkelson
Anderson, P.	Doepke	Hamilton	Mack	Sanders	Urdahl
Anderson, S.	Downey	Holberg	Magnus	Scalze	Westrom
Beard	Drazkowski	Hoppe	McFarlane	Scott	Zellers
Brod	Emmer	Kelly	McNamara	Seifert	
Davids	Garofalo	Kiffmeyer	Murdock	Severson	
Dean	Gottwalt	Kohls	Nornes	Shimanski	

Those who voted in the negative were:

Anzelc	Doty	Hosch	Liebling	Norton	Simon
Benson	Eken	Howes	Lieder	Obermueller	Slawik
Bigham	Falk	Huntley	Lillie	Olin	Slocum
Bly	Faust	Jackson	Loeffler	Otremba	Solberg
Brown	Fritz	Johnson	Mariani	Paymar	Sterner
Brynaert	Gardner	Juhnke	Marquart	Pelowski	Swails
Bunn	Greiling	Kahn	Masin	Persell	Thao
Carlson	Hansen	Kalin	Morgan	Peterson	Thissen
Champion	Hausman	Kath	Morrow	Poppe	Tillberry
Clark	Haws	Knuth	Mullery	Reinert	Wagenius
Cornish	Hayden	Koenen	Murphy, E.	Rukavina	Ward
Davnie	Hilstrom	Laine	Murphy, M.	Ruud	Welti
Dill	Hilty	Lenczewski	Nelson	Sailer	Winkler
Dittrich	Hornstein	Lesch	Newton	Sertich	Spk. Kelliher

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

McNamara moved to amend Senate Concurrent Resolution No. 6, the unofficial engrossment, as amended, as follows:

Page 9, after line 22, insert:

"3.04 The regular legislative session for 2010 shall begin no earlier than March 1, 2010. This rule shall sunset after that date."

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

Seifert moved to amend Senate Concurrent Resolution No. 6, the unofficial engrossment, as amended, as follows:

Page 7, line 1, after the second "members" insert ", which must consist of at least one member of the minority party."

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 58 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Gottwalt	Kohls	Nornes	Shimanski
Anderson, B.	Demmer	Gunther	Lanning	Olin	Smith
Anderson, P.	Dettmer	Hamilton	Lenczewski	Otremba	Swails
Anderson, S.	Dill	Holberg	Loon	Peppin	Torkelson
Anzels	Doepke	Hoppe	Mack	Rosenthal	Urdahl
Beard	Doty	Howes	Magnus	Sanders	Ward
Brod	Downey	Kalin	McFarlane	Scalze	Westrom
Bunn	Drazkowski	Kath	McNamara	Scott	Zellers
Cornish	Emmer	Kelly	Murdock	Seifert	
Dauids	Garofalo	Kiffmeyer	Newton	Severson	

Those who voted in the negative were:

Benson	Faust	Hosch	Lillie	Obermueller	Slawik
Bigham	Fritz	Huntley	Loeffler	Paymar	Slocum
Bly	Gardner	Jackson	Mariani	Pelowski	Solberg
Brown	Greiling	Johnson	Marquart	Persell	Sterner
Brynaert	Hansen	Juhnke	Masin	Peterson	Thao
Carlson	Hausman	Kahn	Morgan	Poppe	Thissen
Champion	Haws	Knuth	Morrow	Reinert	Tillberry
Clark	Hayden	Koenen	Mullery	Rukavina	Wagenius
Davnie	Hilstrom	Laine	Murphy, E.	Ruud	Welti
Dittrich	Hilty	Lesch	Murphy, M.	Sailer	Winkler
Eken	Hornstein	Liebling	Nelson	Sertich	Spk. Kelliher
Falk	Hortman	Lieder	Norton	Simon	

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

Anderson, S., moved to amend Senate Concurrent Resolution No. 6, the unofficial engrossment, as amended, as follows:

Page 5, after line 25, insert:

"TAX INCREASES

2.025 No clause raising a tax or fee of general applicability may be included in a bill passed by either body unless 60 percent of the total membership of that body votes to approve that measure."

A roll call was requested and properly seconded.

The question was taken on the Anderson, S., amendment and the roll was called. There were 48 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Garofalo	Kelly	McNamara	Seifert
Anderson, B.	Demmer	Gottwalt	Kiffmeyer	Murdock	Severson
Anderson, P.	Dettmer	Gunther	Kohls	Nornes	Shimanski
Anderson, S.	Dittrich	Hackbarth	Lanning	Peppin	Smith
Beard	Doepke	Hamilton	Loon	Rosenthal	Torkelson
Brod	Downey	Holberg	Mack	Sanders	Urdahl
Cornish	Drazkowski	Hoppe	Magnus	Scalze	Westrom
Davids	Emmer	Howes	McFarlane	Scott	Zellers

Those who voted in the negative were:

Anzelc	Falk	Huntley	Lillie	Olin	Slocum
Benson	Faust	Jackson	Loeffler	Otremba	Solberg
Bigham	Fritz	Johnson	Mariani	Paymar	Sterner
Bly	Gardner	Juhnke	Marquart	Pelowski	Swails
Brown	Greiling	Kahn	Masin	Persell	Thao
Brynaert	Hansen	Kalin	Morgan	Peterson	Thissen
Bunn	Hausman	Kath	Morrow	Poppe	Tillberry
Carlson	Haws	Knuth	Mullery	Reinert	Wagenius
Champion	Hayden	Koenen	Murphy, E.	Rukavina	Ward
Clark	Hilstrom	Laine	Murphy, M.	Ruud	Welti
Davnie	Hilty	Lenczewski	Nelson	Sailer	Winkler
Dill	Hornstein	Lesch	Newton	Sertich	Spk. Kelliher
Doty	Hortman	Liebling	Norton	Simon	
Eken	Hosch	Lieder	Obermueller	Slawik	

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

The question recurred on the Sertich motion that Senate Concurrent Resolution No. 6, the unofficial engrossment, as amended, be now adopted. The motion prevailed and Senate Concurrent Resolution No. 6, the unofficial engrossment, as amended, relating to the Permanent Joint Rules of the Senate and House of Representatives for the 86th Legislature, was adopted.

Senate Concurrent Resolution No. 7 was reported to the House.

#### SENATE CONCURRENT RESOLUTION NO. 7

A Senate concurrent resolution relating to adjournment for more than three days.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring:

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

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

Sertich moved that Senate Concurrent Resolution No. 7 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 7 was adopted.

Sertich moved that H. F. No. 925, now on the General Register, be re-referred to the Committee on Ways and Means. 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 Calendar for the Day for Thursday, April 2, 2009:

S. F. Nos. 978, 265 and 401; and H. F. Nos. 525, 936 and 1209.

#### CALENDAR FOR THE DAY

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

#### FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. No. 855; and S. F. Nos. 1197 and 1329 on the Fiscal Calendar for Monday, April 6, 2009.

#### ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, April 6, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, April 6, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives