

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

SEVENTIETH DAY

St. Paul, Minnesota, Wednesday, May 16, 2007

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Jerry Storm.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 18, 2007

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF THE ARTS

Edward Oliver, 20230 Cottagewood Rd., Deephaven, in the county of Hennepin, effective April 25, 2007, for a term that expires on January 3, 2011.

Diana Lewis, 2120 Charlton Rd., Sunfish Lake, in the county of Ramsey, effective April 25, 2007, for a term that expires on January 3, 2011.

Ken Kaffine, 410 Groveland Ave., #510, Minneapolis, in the county of Hennepin, effective April 25, 2007, for a term that expires on January 3, 2011.

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

Sincerely,
Tim Pawlenty, Governor

May 14, 2007

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1705, 2030, 1902, 322, 1509, 744, 2161, 988 and 1557.

Sincerely,
Tim Pawlenty, Governor

May 14, 2007

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

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

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2007	Date Filed 2007
1705		66	4:53 p.m. May 14	May 14
2030		67	4:58 p.m. May 14	May 14
1902		68	5:04 p.m. May 14	May 14
322		69	5:05 p.m. May 14	May 14
1509		70	5:07 p.m. May 14	May 14
744		72	5:09 p.m. May 14	May 14
2161		73	5:11 p.m. May 14	May 14

70TH DAY]

WEDNESDAY, MAY 16, 2007

5337

988
1557

74
76

5:14 p.m. May 14
5:16 p.m. May 14

May 14
May 14

Sincerely,
Mark Ritchie
Secretary of State

May 15, 2007

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1464 and 585.

Sincerely,
Tim Pawlenty, Governor

May 15, 2007

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

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

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

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1495 and 1019.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 15, 2007

Mr. President:

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

S.F. No. 303: A bill for an act relating to local government; extending the municipal boundary adjustment advisory task force; amending Laws 2006, chapter 270, article 2, section 1.

Senate File No. 303 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2007

CONCURRENCE AND REPASSAGE

Senator Wergin moved that the Senate concur in the amendments by the House to S.F. No. 303 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 303: A bill for an act relating to local government; modifying municipal boundary adjustment provisions; extending the Municipal Boundary Adjustment Advisory Task Force; amending Minnesota Statutes 2006, sections 414.0325, subdivision 1b; 414.033, subdivisions 2, 13; Laws 2006, chapter 270, article 2, section 1; repealing Laws 2006, chapter 270, article 2, section 8.

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

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

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Koch	Moua	Rummel
Berglin	Foley	Koering	Neuville	Saxhaug
Betzold	Frederickson	Kubly	Olseen	Scheid
Bonoff	Gerlach	Langseth	Olson, G.	Senjem
Carlson	Gimse	Limmer	Olson, M.	Sieben
Chaudhary	Hann	Lourey	Pappas	Skoe
Clark	Higgins	Lynch	Pogemiller	Skogen
Cohen	Ingebrigtsen	Marty	Prettner Solon	Sparks
Doll	Johnson	Metzen	Rest	Tomassoni
Erickson Ropes	Jungbauer	Michel	Robling	Torres Ray

Vandev eer

Vickerman

Wergin

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 54: A bill for an act relating to economic development; dissolving the Hibbing Area Redevelopment Agency; transferring assets and liabilities to the Hibbing Economic Development Authority.

Senate File No. 54 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2007

CONCURRENCE AND REPASSAGE

Senator Tomassoni moved that the Senate concur in the amendments by the House to S.F. No. 54 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 54 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gerlach	Limmer	Pappas	Skoe
Berglin	Gimse	Lourey	Pariseau	Skogen
Betzold	Hann	Lynch	Pogemiller	Sparks
Bonoff	Higgins	Marty	Prettner Solon	Tomassoni
Carlson	Ingebrigtsen	Metzen	Rest	Torres Ray
Clark	Johnson	Michel	Robling	Vandev eer
Cohen	Jungbauer	Moua	Rummel	Vickerman
Doll	Koch	Murphy	Saltzman	Wiger
Erickson Ropes	Koering	Neuville	Saxhaug	
Fischbach	Kubly	Olseen	Scheid	
Foley	Langseth	Olson, G.	Senjem	
Frederickson	Larson	Olson, M.	Sieben	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 961: A bill for an act relating to natural resources; providing for regulation of shoreland resorts; amending Minnesota Statutes 2006, section 103F.205, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103F.

Senate File No. 961 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2007

CONCURRENCE AND REPASSAGE

Senator Skogen moved that the Senate concur in the amendments by the House to S.F. No. 961 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 961 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

requested:

S.F. No. 69: A bill for an act relating to commerce; prohibiting expiration dates and service fees on gift certificates and gift cards; proposing coding for new law in Minnesota Statutes, chapter 325G.

Senate File No. 69 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 15, 2007

CONCURRENCE AND REPASSAGE

Senator Sieben moved that the Senate concur in the amendments by the House to S.F. No. 69 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 69 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Limmer	Olson, M.	Scheid
Berglin	Foley	Lourey	Pappas	Sieben
Betzold	Frederickson	Lynch	Pariseau	Skoe
Bonoff	Gimse	Marty	Pogemiller	Skogen
Carlson	Higgins	Metzen	Prettner Solon	Sparks
Chaudhary	Jungbauer	Moua	Rest	Tomassoni
Clark	Koering	Murphy	Robling	Torres Ray
Cohen	Kubly	Neuville	Rummel	Vandever
Doll	Langseth	Olseen	Saltzman	Vickerman
Erickson Ropes	Larson	Olson, G.	Saxhaug	Wiger

Those who voted in the negative were:

Gerlach	Ingebrigtsen	Koch	Senjem
Hann	Johnson	Michel	Wergin

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

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

Senate File No. 184 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 15, 2007

Senator Marty moved that the Senate do not concur in the amendments by the House to S.F. No. 184, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House.

CALL OF THE SENATE

Senator Marty imposed a call of the Senate for the balance of the proceedings on S.F. No. 184. The Sergeant at Arms was instructed to bring in the absent members.

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

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

The roll was called, and there were yeas 37 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Lynch	Pogemiller	Skogen
Berglin	Erickson Ropes	Marty	Prettner Solon	Sparks
Betzold	Foley	Metzen	Rest	Tomassoni
Bonoff	Higgins	Michel	Rummel	Torres Ray
Carlson	Kubly	Moua	Saltzman	Wiger
Chaudhary	Langseth	Murphy	Saxhaug	
Clark	Larson	Olson, M.	Scheid	
Cohen	Lourey	Pappas	Sieben	

Those who voted in the negative were:

Day	Hann	Koering	Pariseau	Wergin
Fischbach	Ingebrigtsen	Limmer	Robling	
Frederickson	Johnson	Neuville	Senjem	
Gerlach	Jungbauer	Olseen	Vandevor	
Gimse	Koch	Olson, G.	Vickerman	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Senator Lourey moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Rest be added as chief author to S.F. No. 1310. The motion prevailed.

Senator Ortman moved that her name be stricken as a co-author to S.F. No. 1933. The motion prevailed.

Senator Olson, M. introduced –

Senate Resolution No. 115: A Senate resolution congratulating Onni Richard Prestidge of Deer River, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Marty introduced—

S.F. No. 2304: A bill for an act relating to taxation; providing public accountability for taxpayer subsidies of private business; prohibiting new tax increment financing districts; proposing coding for new law in Minnesota Statutes, chapter 469; repealing Minnesota Statutes 2006, sections 469.1812; 469.1813; 469.1814; 469.1815.

Referred to the Committee on Taxes.

Senator Sparks introduced—

S.F. No. 2305: A bill for an act relating to real property; regulating interests in agricultural lands by aliens and non-American corporations; excepting interests in certain lands involved in wind energy production; requiring the payment of the wind energy production tax; amending Minnesota Statutes 2006, section 500.221, subdivision 2.

Referred to the Committee on Taxes.

Senators Lynch, Senjem, Sparks and Pappas introduced—

S.F. No. 2306: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Rochester Community and Technical College.

Referred to the Committee on Finance.

RECESS

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

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

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDERS**

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

H.F. Nos. 1063, 122, 1078 and 548.

SPECIAL ORDER

H.F. No. 1063: A bill for an act relating to environment; adopting the Uniform Environmental Covenants Act; amending Minnesota Statutes 2006, sections 115.072; 115B.17, subdivision 15; proposing coding for new law as Minnesota Statutes, chapter 114E.

Senator Anderson moved to amend H.F. No. 1063, the unofficial engrossment, as follows:

Page 22, after line 28, insert:

"Sec. 8. CENTER FOR RURAL POLICY AND DEVELOPMENT.

The appropriation in Laws 2007, chapter 57, article 2, section 3, subdivision 6, to the Center for Rural Policy and Development at Minnesota State University at Mankato for a rural wind energy assistance program is available until June 30, 2009."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1063 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

Saxhaug
Scheid
Senjem

Sheran
Sieben
Skoe

Skogen
Sparks
Tomassoni

Torres Ray
Vandever
Vickerman

Wergin
Wiger

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

SPECIAL ORDER

H.F. No. 122: A bill for an act relating to commerce; regulating sales of American flags; proposing coding for new law in Minnesota Statutes, chapter 325E.

Senator Tomassoni moved to amend H.F. No. 122, the unofficial engrossment, as follows:

Page 6, delete lines 1 to 5

Page 6, line 6, delete "(m)" and insert "(l)"

Page 6, line 14, delete "(n) \$1,000,000" and insert "(m) \$1,750,000"

Page 7, after line 14, insert:

"(n) \$250,000 the first year is to develop and operate a bioscience business marketing program to market Minnesota bioscience businesses and business opportunities to other states and other countries. The bioscience business marketing program must emphasize bioscience business location and expansion opportunities in communities outside of the seven-county metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, that have established collaborative plans among two or more municipal units for bioscience business activities, and that are within 15 miles of a four-year, baccalaureate degree granting institution or a two-year technical or community college that offers bioscience curricula. The commissioner must report to the committees of the senate and house of representatives having jurisdiction over bioscience and technology issues by February 1 of each year on the expenditures of these funds and the promotional activities undertaken to market the Minnesota bioscience industry to persons outside of the state. This is a onetime appropriation and is available until expended."

Page 8, delete lines 31 to 35

Page 9, delete lines 1 to 36

Page 10, delete lines 1 to 26

Page 10, line 27, delete "(v)" and insert "(u)"

Page 10, line 31, delete "(w)" and insert "(v)"

Page 11, line 3, delete "(x)" and insert "(w)"

Page 11, line 7, delete "(y)" and insert "(x)"

Page 11, line 17, delete "(z)" and insert "(y)"

Page 11, line 21, delete "(aa)" and insert "(z)"

Page 12, line 22, delete "(bb)" and insert "(aa)"

Page 58, delete section 35

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

The motion prevailed. So the amendment was adopted.

H.F. No. 122 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 11, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach	Johnson	Pariseau	Vandever
Hann	Limmer	Robling	Wergin
Ingebrigtsen	Olson, G.	Senjem	

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

SPECIAL ORDER

H.F. No. 1078: A bill for an act relating to health; modifying the hospital public interest review; modifying the alternative approval process; amending Minnesota Statutes 2006, sections 144.50, by

adding subdivisions; 144.552; 144.553, subdivision 3; 144.699, by adding a subdivision.

Senator Berglin moved to amend H.F. No. 1078, the unofficial engrossment, as follows:

Page 77, lines 13 and 14, reinstate the stricken language

Page 77, line 15, reinstate the stricken "program"

Page 77, line 17, reinstate the stricken period

Page 84, after line 29, insert:

"EFFECTIVE DATE. This section is effective October 1, 2007."

Page 95, after line 31, insert:

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

Page 106, line 12, delete everything after "effective" and insert "January 1, 2008."

Page 116, delete section 66 and insert:

"Sec. 66. **REPEALER.**

(a) Minnesota Statutes 2006, sections 119B.08, subdivision 4; and 256J.626, subdivision 9, are repealed.

(b) Minnesota Statutes 2006, section 256J.24, subdivision 6, is repealed effective January 1, 2008.

(c) Minnesota Statutes 2006, section 256J.37, subdivision 3b, is repealed effective February 1, 2008.

(d) Laws 1997, chapter 8, section 1, is repealed.

(e) Minnesota Rules, part 9560.0102, subpart 2, item C, is repealed."

Page 287, line 16, delete "and"

Page 287, line 19, before the period, insert "; and (10) for a group residential facility in Hennepin County with a capacity of up to 48 beds that has been licensed since 1978 as a board and lodging facility and that until August 1, 2007, operated as a licensed chemical dependency treatment program"

Page 495, line 4, before "each" insert "of the continuing care management appropriation"

Page 501, line 18, delete "\$62,940,000" and insert "\$59,460,000"

Page 501, line 24, delete "2,368,000" and insert "2,365,000"

Page 501, line 31, delete "\$2,387,000" and insert "\$2,383,000"

Page 503, lines 9 and 13, delete "100" and insert "50"

Page 503, lines 10 and 14, delete "200" and insert "100"

Page 512, line 19, delete "\$355,000" and insert "\$335,000"

Amend the title as follows:

Page 1, line 9, delete "establishing the"

Page 1, line 10, delete everything before "modifying"

Amend the title numbers accordingly

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Berglin imposed a call of the Senate for the balance of the proceedings on H.F. No. 1078. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 1078 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 44 and nays 21, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Ingebrigtsen	Marty	Ortman	Wergin
Fischbach	Johnson	Michel	Pariseau	
Gerlach	Jungbauer	Murphy	Robling	
Gimse	Koch	Neuville	Senjem	
Hann	Limmer	Olson, G.	Vandever	

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

SPECIAL ORDER

H.F. No. 548: A bill for an act relating to state government; requiring state agencies to consider former employees before contracting out previously eliminated jobs; amending Minnesota Statutes 2006, section 16C.08, subdivision 2.

Senator Betzold moved to amend H.F. No. 548, the unofficial engrossment, as follows:

Page 3, line 32, delete "campus" and insert "complex"

Page 4, lines 6 and 9, delete "campus" and insert "Capitol complex"

Page 4, line 10, after the period, insert "Beginning October 1, 2007, the Legislative Coordinating Commission may transfer any unexpended balance from this appropriation to the commissioner of administration for additional planning and design for the renovation of the Capitol complex."

The motion prevailed. So the amendment was adopted.

Senator Betzold moved to amend H.F. No. 548, the unofficial engrossment, as follows:

Page 6, line 29, delete "select"

Page 6, line 30, after the period, insert "During the biennium, these amounts are intended to include hardware and software improvements for the Asian-Pacific Council, the Capitol Area Architectural and Planning Board, the Minnesota Library for the Blind, the Minnesota State Academies, and the Ombudsman for Mental Health and Disabilities."

The motion prevailed. So the amendment was adopted.

Senator Gerlach moved to amend H.F. No. 548, the unofficial engrossment, as follows:

Page 31, delete section 22

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 548. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Ortman	Vandever
Dille	Hann	Limmer	Pariseau	Wergin
Doll	Ingebrigtsen	Michel	Robling	
Fischbach	Johnson	Neuville	Senjem	
Gerlach	Jungbauer	Olson, G.	Skogen	

Those who voted in the negative were:

Anderson	Dibble	Latz	Pappas	Sieben
Berglin	Erickson Ropes	Lourey	Pogemiller	Skoe
Betzold	Foley	Lynch	Rest	Sparks
Bonoff	Frederickson	Marty	Rummel	Tomassoni
Carlson	Higgins	Metzen	Saltzman	Torres Ray
Chaudhary	Kubly	Murphy	Saxhaug	Vickerman
Clark	Langseth	Olseen	Scheid	Wiger
Cohen	Larson	Olson, M.	Sheran	

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

H.F. No. 548 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 42 and nays 22, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Gimse	Koch	Olson, G.	Vandevveer
Dille	Hann	Koering	Ortman	Wergin
Fischbach	Ingebrigtsen	Limmer	Pariseau	
Frederickson	Johnson	Michel	Robling	
Gerlach	Jungbauer	Neuville	Senjem	

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

SUSPENSION OF RULES

Senator Pogemiller moved that Rule 24.2 be suspended as to the lie-over requirement on the Calendar. The motion prevailed.

CALENDAR

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Langseth	Michel	Pogemiller
Berglin	Dibble	Larson	Moua	Prettner Solon
Betzold	Doll	Latz	Murphy	Rest
Bonoff	Erickson Ropes	Lourey	Neuville	Robling
Carlson	Foley	Lynch	Olseen	Rummel
Chaudhary	Higgins	Marty	Olson, M.	Saltzman
Clark	Kubly	Metzen	Pappas	Saxhaug

Scheid
SheranSieben
SkoeSkogen
TomassoniTorres Ray
Vickerman

Wiger

Those who voted in the negative were:

Day
Dille
Fischbach
FredericksonGerlach
Gimse
Hann
IngebrigtsenJohnson
Jungbauer
Koch
KoeringLimmer
Olson, G.
Ortman
PariseauSenjem
Sparks
Vandever
Wergin

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson
Bakk
Berglin
Betzold
Bonoff
Carlson
Chaudhary
Clark
Cohen
Dibble
Dille
DollErickson Ropes
Fischbach
Foley
Frederickson
Gimse
Higgins
Ingebrigtsen
Johnson
Jungbauer
Koch
Koering
KublyLangseth
Larson
Latz
Lourey
Lynch
Marty
Metzen
Michel
Moua
Murphy
Neuville
OlseenOlson, M.
Ortman
Pappas
Pogemiller
Prettner Solon
Rest
Robling
Rummel
Saltzman
Saxhaug
Scheid
SheranSieben
Skoe
Skogen
Sparks
Tomassoni
Torres Ray
Vickerman
Wiger

Those who voted in the negative were:

Gerlach
HannLimmer
PariseauSenjem
Vandever

Wergin

So the resolution passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson
Bakk
Berglin
Betzold
Bonoff
Carlson
ChaudharyClark
Cohen
Day
Dibble
Dille
Doll
Erickson RopesFischbach
Foley
Frederickson
Gerlach
Gimse
Hann
HigginsIngebrigtsen
Jungbauer
Koch
Koering
Kubly
Langseth
LarsonLatz
Limmer
Lourey
Lynch
Marty
Metzen
Michel

Moua
Murphy
Neuville
Olseen
Olson, G.
Olson, M.

Ortman
Pappas
Pariseau
Pogemiller
Prettner Solon
Rest

Robling
Rummel
Saltzman
Saxhaug
Scheid
Sheran

Sieben
Skoe
Skogen
Sparks
Tomassoni
Torres Ray

Vandever
Vickerman
Wergin
Wiger

Those who voted in the negative were:

Johnson

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

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

H.F. Nos. 2245 and 2268.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Pariseau moved that the following members be excused for a Conference Committee on S.F. No. 1131 at 5:00 p.m.:

Senators Chaudhary, Saxhaug and Pariseau. The motion prevailed.

SPECIAL ORDER

H.F. No. 2245: A bill for an act relating to education; increasing the basic revenue formula allowance; modifying general education aid; amending Minnesota Statutes 2006, sections 126C.10, subdivision 2; 126C.13, subdivision 4.

Pursuant to Senate Rule 4.4, Senator Hann raised a point of order as it relates to H.F. No. 2245.

The President ruled the point of order not well taken.

Senator Hann appealed the decision of the President.

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on H.F. No. 2245. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

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

The roll was called, and there were yeas 43 and nays 18, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Gimse	Koch	Olson, G.	Vanderveer
Dille	Hann	Limmer	Ortman	Wergin
Fischbach	Ingebrigtsen	Michel	Robling	
Gerlach	Jungbauer	Neuville	Senjem	

So the decision of the President was sustained.

Senator Clark moved to amend H.F. No. 2245, the unofficial engrossment, as follows:

Page 5, line 26, delete "2009" and insert "2008"

Page 6, delete section 9

Page 9, line 26, delete "alternative teacher compensation revenue,"

Page 19, line 20, delete the third "the"

Page 19, line 21, delete "basic formula allowance" and insert "\$4,974"

Page 19, line 31, delete "5,465,539,000" and insert "5,581,605,000"

Page 19, line 32, delete "5,467,878,000" and insert "5,506,993,000"

Page 20, line 1, delete "\$4,933,806,000" and insert "\$5,049,872,000"

Page 20, line 3, delete "\$548,200,000" and insert "\$546,980,000" and delete "\$4,919,678,000" and insert "\$4,960,013,000"

Page 20, delete lines 5 and 6

Page 20, line 30, delete "16,174,000" and insert "16,292,000"

Page 20, line 31, delete "16,435,000" and insert "16,555,000"

Page 20, line 32, delete "\$14,568,000" and insert "\$14,686,000"

Page 20, line 33, delete "\$1,618,000" and insert "\$1,631,000" and delete "\$14,817,000" and insert "\$14,924,000"

Page 21, line 3, delete "21,167,000" and insert "21,557,000"

Page 21, line 4, delete "20,780,000" and insert "21,163,000"

Page 21, line 5, delete "\$19,043,000" and insert "\$19,433,000"

Page 21, line 6, delete "\$2,115,000" and insert "\$2,159,000" and delete "\$18,665,000" and insert "\$19,004,000"

Page 22, line 18, delete "2009" and insert "2010"

Page 60, after line 22, insert:

"Sec. 42. **WORLD LANGUAGES RESOURCES.**

(a) The commissioner of education shall employ a full-time state coordinator for world languages education within the department by July 1, 2007. The commissioner shall seek advice from the quality teaching network before assigning or hiring the coordinator. The coordinator, at a minimum, shall:

(1) assist charter schools and school districts in planning to develop or enhance their capacity to offer world languages courses and programs;

(2) collaborate with Minnesota world languages professionals and charter schools and school districts and continuously seek their advice in developing all aspects of world languages programs;

(3) survey Minnesota charter schools and school districts to (i) determine the types of existing world languages programs including, among others, those that use information technology to provide high-quality world languages instruction, (ii) identify exemplary model world languages programs, and (iii) identify and address staff development needs of current world languages teachers, preservice teachers, and teacher preparation programs;

(4) identify successful world languages programs in other states;

(5) consult with interested stakeholders to prepare a report for the commissioner of education to submit by February 15, 2008, to the education policy and finance committees of the legislature assessing the feasibility and structure of a statewide world languages graduation requirement under Minnesota Statutes, section 120B.021, subdivision 1; and

(6) beginning February 1, 2008, and until February 1, 2012, report annually to the education policy and finance committees of the legislature on the status of world languages in Minnesota and the programmatic needs identified by charter school and school district surveys, and make recommendations on how to address the identified needs.

(b) After carefully examining existing world languages assessments, including among other considerations the ease or difficulty with which the assessments may be adapted to world languages not currently assessed, the commissioner, by July 1, 2009, shall recommend an assessment tool for charter schools and school districts to use in measuring student progress in acquiring proficiency in world languages.

(c) Beginning July 1, 2008, the department shall assist world languages teachers and other school staff in developing and implementing world languages programs that acknowledge and reinforce the language proficiency and cultural awareness that non-English language speakers already possess, and encourage students' proficiency in multiple world languages. Programs under this paragraph must encompass indigenous American Indian languages and cultures, among other world languages and cultures. The department shall consult with postsecondary institutions in developing related professional development opportunities.

(d) The commissioner, upon request, must evaluate the plans of charter schools and school districts to develop or enhance their capacity to offer world languages courses and programs and continue to offer technical assistance to districts in developing or enhancing world languages programs. The department shall assist districts in monitoring local assessment results.

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

Page 62, line 26, delete "2,212,000" and insert "2,238,000"

Page 62, line 27, delete "2,380,000" and insert "2,409,000"

Page 62, line 28, delete "\$2,008,000" and insert "\$2,034,000"

Page 62, line 29, delete "\$223,000" and insert "\$226,000" and delete "\$2,157,000" and insert "\$2,183,000"

Page 65, line 5, delete everything after the first comma and insert "sections 124D.38, subdivision 2, and 124D.42, subdivision 6."

Page 65, line 6, after the first "for" insert "words work" and delete "programs" and insert "allocated by the commissioner"

Page 67, after line 11, insert:

"Subd. 25. **First Grade Preparedness.** For first grade preparedness grants under Minnesota Statutes, section 124D.081:

\$	<u>7,250,000</u>	<u>.....</u>	<u>2008</u>
\$	<u>7,250,000</u>	<u>.....</u>	<u>2009</u>

This is a onetime appropriation."

Page 89, after line 4, insert:

"Subd. 9. **Special Education Task Force.** For the task force to compare federal and state special education requirements:

\$	<u>20,000</u>	<u>.....</u>	<u>2008</u>
----	---------------	--------------	-------------

This is a onetime appropriation."

Page 98, line 9, after "TECHNOLOGY" insert "AND OPERATING CAPITAL"

Page 98, line 10, delete "School technology" and insert "For fiscal years 2008, and 2009 only, school technology and operating capital" and delete "\$150" and insert "\$87"

Page 98, line 11, delete "fiscal year 2009" and insert "that fiscal year"

Page 100, line 7, delete "14,812,000" and insert "14,813,000"

Page 100, line 9, delete "\$13,045,000" and insert "\$13,046,000"

Page 101, delete lines 2 and 3 and insert:

"Subd. 8. School technology and operating capital aid grants. For school technology and operating capital grants under section 11:

<u>\$</u>	<u>82,965,000</u>	<u>.....</u>	<u>2008</u>
<u>\$</u>	<u>82,734,000</u>	<u>.....</u>	<u>2009"</u>

Page 111, line 27, delete "11,603,000" and insert "11,788,000"

Page 111, line 28, delete "11,730,000" and insert "11,915,000"

Page 130, after line 21, insert:

"(c) For fiscal year 2008, the aid for a program under subdivision 3, clause (2), adjusted for changes in program membership, shall not be limited."

Page 130, line 22, delete "(c)" and insert "(d)" and delete "2008" and insert "2009"

Page 130, line 25, delete "\$14,000" and insert "\$10,000"

Page 130, line 26, reinstate the stricken language and delete the new language

Page 130, line 28, reinstate the stricken language and delete the new language

Page 130, line 31, reinstate the stricken language

Page 130, line 32, delete the new language and reinstate the stricken language

Page 131, delete lines 16 to 29

Page 132, line 9, delete "584,000" and insert "287,000"

Page 132, line 10, delete "776,000" and insert "287,000"

Page 132, delete lines 15 to 20

Page 132, line 30, delete "881,000" and insert "710,000"

Page 132, line 31, delete "900,000" and insert "710,000"

Page 132, line 32, delete "\$810,000" and insert "\$639,000"

Page 132, line 33, delete "\$90,000" and insert "\$71,000" and delete "\$810,000" and insert "\$639,000"

Page 133, line 29, delete "300,000" and insert "125,000"

Page 133, line 30, delete "200,000" and insert "125,000"

Page 133, delete line 31

Renumber the subdivisions and sections in sequence and correct the internal references

Amend the title accordingly

Senator Vandever moved that H.F. No. 2245 be laid on the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 13 and nays 42, as follows:

Those who voted in the affirmative were:

Fischbach	Hann	Limmer	Robling	Wergin
Gerlach	Ingebrigtsen	Michel	Senjem	
Gimse	Koch	Neuville	Vandever	

Those who voted in the negative were:

Anderson	Dibble	Lourey	Pappas	Skogen
Bakk	Erickson Ropes	Marty	Pogemiller	Sparks
Berglin	Foley	Metzen	Prettner Solon	Tomassoni
Betzold	Higgins	Moua	Rest	Torres Ray
Bonoff	Jungbauer	Murphy	Rummel	Vickerman
Carlson	Kubly	Olseen	Saltzman	Wiger
Chaudhary	Langseth	Olson, G.	Saxhaug	
Clark	Larson	Olson, M.	Sheran	
Cohen	Latz	Ortman	Sieben	

The motion did not prevail.

The question recurred on the adoption of the Clark amendment. The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend H.F. No. 2245, the unofficial engrossment, as follows:

Page 36, delete section 11

Page 67, line 20, delete "121A.23;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 42, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Ortman	Senjem
Fischbach	Hann	Limmer	Pariseau	Vandever
Frederickson	Ingebrigtsen	Neuville	Robling	Vickerman
Gerlach	Jungbauer	Olson, G.	Saltzman	Wergin

Those who voted in the negative were:

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

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

Senator Vandever moved to amend H.F. No. 2245, the unofficial engrossment, as follows:

Page 6, delete section 7

Page 10, after line 20, insert:

"Sec. 16. [126C.37] EDUCATION INVESTMENT AID.

Subdivision 1. **Aid.** For fiscal year 2008 and later, a school district or charter school's education investment aid equals the product of \$153 times the district or charter school's adjusted average daily membership for that year.

Subd. 2. **Uses.** Aid under this section may be used for any expenditure purpose for which general education revenue under section 126C.10 may be used."

Page 22, after line 9, insert:

"Subd. 15. **Education investment aid.** For education investment aid under Minnesota Statutes, section 126C.37:

\$	<u>112,820,000</u>	<u>.....</u>	<u>2008</u>
\$	<u>125,051,000</u>	<u>.....</u>	<u>2009</u>

The 2008 appropriation includes \$0 for 2007 and \$112,820,000 for 2008.

The 2009 appropriation includes \$12,535,000 for 2008 and \$112,515,000 for 2009."

Page 40, delete sections 13 and 14

Page 41, delete section 15

Page 66, delete subdivision 22

Page 66, line 22, delete "Subd. 23." and insert "Subd. 22."

Page 67, line 6, delete "Subd. 24." and insert "Subd. 23."

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 2 and nays 54, as follows:

Those who voted in the affirmative were:

Gerlach Vandever

Those who voted in the negative were:

Anderson	Betzold	Chaudhary	Day	Doll
Bakk	Bonoff	Clark	Dibble	Erickson Ropes
Berglin	Carlson	Cohen	Dille	Fischbach

Foley	Kubly	Moua	Robling	Skogen
Frederickson	Langseth	Murphy	Rummel	Sparks
Gimse	Larson	Neuville	Saltzman	Tomassoni
Higgins	Latz	Olseen	Saxhaug	Torres Ray
Ingebrigtsen	Lourey	Olson, M.	Scheid	Vickerman
Jungbauer	Lynch	Ortman	Sheran	Wergin
Koch	Metzen	Pappas	Sieben	Wiger
Koering	Michel	Prettner Solon	Skoe	

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

H.F. No. 2245 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 17, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Gerlach	Limmer	Ortman	Wergin
Dille	Hann	Michel	Pariseau	
Fischbach	Ingebrigtsen	Neuville	Senjem	
Frederickson	Koch	Olson, G.	Vandever	

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

SPECIAL ORDER

H.F. No. 2268: A bill for an act relating to public finance; providing terms and conditions related to the issuance of obligations and the financing of public improvements and services; extending the time for certain publications of notices; authorizing and validating trusts to pay public postemployment benefits; amending Minnesota Statutes 2006, sections 118A.03, subdivision 3; 123B.61; 204B.46; 275.61, subdivision 1; 331A.05, subdivision 2; 365A.02; 365A.04; 365A.08; 365A.095; 373.01, subdivision 3; 373.40, subdivision 4; 375B.09; 383B.117, subdivision 2; 383B.77, subdivisions 1, 2; 410.32; 412.301; 428A.02, subdivision 1; 453A.02, subdivision 3; 473.39, by adding subdivisions; 475.52, subdivision 6; 475.53, subdivision 1; 475.58, subdivisions 1, 3b; proposing coding for new law in Minnesota Statutes, chapters 471; 475.

Senator Bakk moved to amend H.F. No. 2268, the unofficial engrossment, as follows:

Page 102, line 24, delete "fire" and insert "five"

The motion prevailed. So the amendment was adopted.

Senator Bakk moved to amend H.F. No. 2268, the unofficial engrossment, as follows:

Page 11, line 33, delete the new language

Page 11, delete line 34

Page 12, line 1, delete the new language

Page 79, line 28, delete "2007" and insert "2009"

Page 87, line 33, delete "2007" and insert "2009"

Page 127, delete section 35 and insert:

"Sec. 35. **REPEALER.**

(a) Minnesota Statutes 2006, section 469.174, subdivision 29, is repealed.

(b) Laws 1998, chapter 389, article 11, section 18, is repealed.

EFFECTIVE DATE. Paragraph (a) is effective the day following final enactment. For purposes of any special law authorizing or limiting the use of increments to projects meeting the requirements of a qualified housing district, expenditures for housing districts satisfying the requirements of Minnesota Statutes, sections 469.174, subdivision 11; 469.176, subdivision 4d; and 469.1761, as amended, also satisfy the requirements of the special law.

Paragraph (b) is effective upon compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Burnsville. The balance of tax increments derived from tax increment financing district No. 2-1 as of the effective date of this section must be returned to the county for distribution in accordance with Minnesota Statutes, section 469.176, subdivision 2."

Page 127, delete lines 21 to 25

Page 155, line 23, delete "16.72" and insert "16.22"

Page 166, line 23, delete "S.F. No. 2095" and insert "H.F. No. 6, if enacted,"

Page 186, line 1, delete "This section is" and insert "clauses (11) and (12) are"

Page 280, after line 29, insert:

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

Page 280, before line 30, insert:

"Sec. 11. Minnesota Statutes 2006, section 80A.65, subdivision 1, as amended by Laws 2007, chapter 57, article 3, section 35, is amended to read:

Subdivision 1. **Registration or notice filing fee.** (a) There shall be a filing fee of \$100 for every application for registration or notice filing. There shall be an additional fee of one-tenth of one percent of the maximum aggregate offering price at which the securities are to be offered in this state, and the maximum combined fees shall not exceed \$300.

(b) When an application for registration is withdrawn before the effective date or a preeffective stop order is entered under section 80A.54, all but the \$100 filing fee shall be returned. If an

application to register securities is denied, the total of all fees received shall be retained.

(c) Where a filing is made in connection with a federal covered security under section 18(b)(2) of the Securities Act of 1933, there is a fee of \$100 for every initial filing. If the filing is made in connection with redeemable securities issued by an open end management company or unit investment trust, as defined in the Investment Company Act of 1940, there is an additional annual fee of 1/20 of one percent of the maximum aggregate offering price at which the securities are to be offered in this state during the notice filing period. The fee must be paid at the time of the initial filing and thereafter in connection with each renewal no later than July 1 of each year and must be sufficient to cover the shares the issuer expects to sell in this state over the next 12 months. If during a current notice filing the issuer determines it is likely to sell shares in excess of the shares for which fees have been paid to the administrator, the issuer shall submit an amended notice filing to the administrator under section 80A.50, together with a fee of 1/20 of one percent of the maximum aggregate offering price of the additional shares. Shares for which a fee has been paid, but which have not been sold at the time of expiration of the notice filing, may not be sold unless an additional fee to cover the shares has been paid to the administrator as provided in this section and section 80A.50. If the filing is made in connection with redeemable securities issued by such a company or trust, there is no maximum fee for securities filings made according to this paragraph. If the filing is made in connection with any other federal covered security under Section 18(b)(2) of the Securities Act of 1933, there is an additional fee of one-tenth of one percent of the maximum aggregate offering price at which the securities are to be offered in this state, and the combined fees shall not exceed \$300. ~~Beginning with fiscal year 2001 and continuing each fiscal year thereafter, as of the last day of each fiscal year, the administrator shall determine the total amount of all fees that were collected under this paragraph in connection with any filings made for that fiscal year for securities of an open end investment company on behalf of a security that is a federal covered security pursuant to section 18(b)(2) of the Securities Act of 1933. To the extent the total fees collected by the administrator in connection with these filings exceed \$25,600,000 in a fiscal year, the administrator shall refund, on a pro rata basis, to all persons who paid any fees for that fiscal year, the amount of fees collected by the administrator in excess of \$25,600,000. No individual refund is required of amounts of \$100 or less for a fiscal year.~~

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

Page 284, line 23, before "Minnesota" insert "(a)"

Page 284, after line 23, insert:

"(b) If a bill styled as 2007 H.F. No. 548 is enacted and contains an appropriation that is the same as that set forth in section 19, section 19 is repealed the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend H.F. No. 2268, the unofficial engrossment, as follows:

Page 127, after line 13, insert:

"Sec. 34. **TAX INCREMENT FINANCING; CITY OF DAYTON.**

Subdivision 1. **Authority.** The city of Dayton may establish an economic development tax increment financing district under the authority provided in this section. The city may include area with the jurisdiction of the town of Hassan to the extent authorized by a joint powers agreement with the town. This district must be established within the area defined in subdivision 2 and is subject to the special rules under subdivision 3.

Subd. 2. **Defined area.** The district must be established within the area defined as the southwestern corner of the city of Dayton bounded by Brockton Lane (also known as Hennepin County Road 101) to the west, 109th Avenue North to the south, Hennepin County Highway 81 diagonally to the north and east from 109th Avenue northwesterly to a line 120 feet east of the extension of York Avenue northerly to a line 120 feet north of Gay Wood Drive and then west to Brockton Lane (Hennepin County Road 101). The area within the jurisdiction of the town of Hassan that may be included in the district is limited to and defined as all the land within the town of Hassan north of 109th Avenue North, east of Fletcher Lane (also known as Hennepin County Road 116), south of I-94 and west of Brockton Lane (Hennepin County Road 101).

Subd. 3. **Special rules.** The district is subject to the rules under Minnesota Statutes, sections 469.174 to 469.1799, with the following exceptions:

(1) the city need not make the findings required by Minnesota Statutes, section 469.174, subdivision 12;

(2) the restrictions on the expenditures of increments under Minnesota Statutes, section 469.176, subdivision 4c, do not apply;

(3) the provisions of Minnesota Statutes, section 469.176, subdivision 5, do not apply to the district; and

(4) the provisions of section 469.176, subdivision 7, do not apply to the district.

EFFECTIVE DATE. This section is effective upon compliance by the governing body of the city of Dayton and by the board of supervisors of the town of Hassan with Minnesota Statutes, section 645.021."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Bakk moved to amend H.F. No. 2268, the unofficial engrossment, as follows:

Page 277, line 25, delete "an" and insert "a"

Page 277, line 26, delete "inflation estimate" and insert "statutory growth factor"

The motion prevailed. So the amendment was adopted.

Senator Koering moved to amend H.F. No. 2268 as follows:

Page 87, after line 33, insert:

"Sec. 4. Minnesota Statutes 2006, section 297A.71, is amended by adding a subdivision to read:

Subd. 40. **Brainerd and Baxter wastewater treatment facility.** Materials and supplies used in, and equipment incorporated into, the construction of a joint wastewater treatment facility servicing the cities of Brainerd and Baxter is exempt. This exemption is for purchases made before July 1, 2010.

EFFECTIVE DATE. This section is effective for sales and purchases made after June 1, 2007.

Sec. 5. Minnesota Statutes 2006, section 297A.71, is amended by adding a subdivision to read:

Subd. 41. **Baxter water treatment facility.** Materials and supplies used in, and equipment incorporated into, the construction of a water treatment facility and water tower owned by the city of Baxter is exempt. This exemption is for purchases made before July 1, 2009. The city may apply for a refund of taxes paid on these materials using the mechanism provided for building materials for correctional facilities under section 297A.75.

EFFECTIVE DATE. This section is effective for sales and purchases made after May 1, 2006."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 39, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Jungbauer	Metzen	Olson, G.
Dille	Gimse	Koering	Michel	Robling
Fischbach	Hann	Limmer	Neuville	

Those who voted in the negative were:

Anderson	Doll	Latz	Pogemiller	Skogen
Bakk	Erickson Ropes	Lourey	Prettner Solon	Sparks
Betzold	Foley	Lynch	Rummel	Tomassoni
Bonoff	Higgins	Moua	Saltzman	Torres Ray
Carlson	Ingebrigtsen	Olseen	Scheid	Vandever
Clark	Koch	Olson, M.	Sheran	Vickerman
Cohen	Kubly	Ortman	Sieben	Wiger
Dibble	Larson	Pappas	Skoe	

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

Senator Hann moved to amend H.F. No. 2268, the unofficial engrossment, as follows:

Page 277, delete section 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 42, as follows:

Those who voted in the affirmative were:

Day	Hann	Limmer	Ortman
Fischbach	Ingebrigtsen	Michel	Robling
Gerlach	Jungbauer	Neuville	Vandever
Gimse	Koch	Olson, G.	Wergin

Those who voted in the negative were:

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

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

CALL OF THE SENATE

Senator Bakk imposed a call of the Senate for the balance of the proceedings on H.F. No. 2268. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 2268 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 40 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Larson	Olson, M.	Skoe
Bakk	Doll	Lourey	Pappas	Skogen
Berglin	Erickson Ropes	Lynch	Pogemiller	Sparks
Betzold	Foley	Marty	Prettner Solon	Tomassoni
Carlson	Frederickson	Metzen	Rummel	Torres Ray
Chaudhary	Higgins	Moua	Saxhaug	Vandever
Clark	Kubly	Murphy	Sheran	Vickerman
Cohen	Langseth	Olseen	Sieben	Wiger

Those who voted in the negative were:

Bonoff	Gimse	Koering	Olson, G.	Saltzman
Day	Hann	Latz	Ortman	Scheid
Dille	Ingebrigtsen	Limmer	Pariseau	Senjem
Fischbach	Jungbauer	Michel	Rest	Wergin
Gerlach	Koch	Neuville	Robling	

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1165 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1165

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

May 15, 2007

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

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

That the Senate concur in the House amendments.

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

Senate Conferees: (Signed) Rick E. Olseen, Mary A. Olson, Warren Limmer

House Conferees: (Signed) Andy Welti, Steve Simon, Rod Hamilton

Senator Olseen moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1165 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1165 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1085 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1085

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

May 8, 2007

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

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

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

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

Page 3, delete line 15

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

Page 3, after line 18, insert:

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

Page 7, after line 14, insert:

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

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

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

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

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

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

Sec. 18. CONSUMER EDUCATION REGARDING FLUORESCENT BULBS.

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

Amend the title as follows:

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

Correct the title numbers accordingly

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

Senate Conferees: (Signed) John Marty, Ron Latz, Michelle L. Fischbach

House Conferees: (Signed) Melissa Hortman, Augustine "Willie" Dominguez, Jim Abeler

Senator Marty moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1085 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1085 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 59 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hann Ingebrigtsen

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 112, 547, 1186 and 1370.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 16, 2007

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1724: A bill for an act relating to human services; making changes to licensing provisions; modifying data practices, program administration, disaster plans, education programs, conditional license provisions, suspensions, sanctions, and contested case hearings, child care center training, family child care training requirements, vulnerable adults, maltreatment of minors, background studies, disqualifications, reconsiderations, disqualification set-asides, fair hearings, appeals, changing definitions of neglect and physical abuse; amending Minnesota Statutes 2006, sections 13.46, subdivisions 2, 4; 245A.03, subdivision 2; 245A.04, subdivision 11, by adding subdivisions; 245A.06, subdivision 4; 245A.07, subdivisions 2a, 3, by adding a subdivision; 245A.08, subdivision 2a; 245A.10, subdivision 2; 245A.14, subdivision 8; 245A.144; 245A.1445; 245A.145, subdivision 1; 245A.18, subdivision 2; 245A.65, subdivision 1, by adding a subdivision; 245C.02, by adding a subdivision; 245C.05, subdivision 3; 245C.07; 245C.08; 245C.09, subdivision 1; 245C.11, by adding a subdivision; 245C.13, subdivision 2; 245C.14, subdivision 1; 245C.15, subdivisions 1, 2, 3, 4; 245C.16, subdivision 1; 245C.17, subdivisions 2, 3; 245C.21, subdivisions 2, 3; 245C.22, subdivisions 4, 5; 245C.24, subdivision 3; 245C.27, subdivision 1; 245C.28, subdivision 1; 245C.301; 256B.0919, by adding a subdivision; 256B.092, by adding a subdivision; 270B.14, subdivision 1; 626.556, subdivisions 2, 10e, 10i; 626.557, subdivisions 9c, 9d; 626.5572, subdivision 17; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 2006, sections 245A.023; 245A.14, subdivisions 7, 9, 9a, 12, 13; 245C.06; Minnesota Rules, parts 9502.0385; 9503.0035.

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

Lesch, Walker and Abeler.

Senate File No. 1724 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 16, 2007

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 118, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 118: A bill for an act relating to state government; adding legislators who represent the capitol area as nonvoting members of the Capitol Area Architectural and Planning Board; amending Minnesota Statutes 2006, section 15B.03, subdivision 1.

Senate File No. 118 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 16, 2007

REPORTS OF COMMITTEES

Senator Betzold moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 998. The motion prevailed.

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

S.F. No. 1274: A resolution memorializing the United States Congress to reauthorize the Conservation Reserve Program as part of the 2007 Farm Bill.

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

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

S.F. No. 590: A resolution exhorting Congress to reform the federal Montgomery GI Bill for the Selected Reserves to permit members of the National Guard and reserves who have been mobilized into federal active duty in support of current wars to receive and use their federal educational benefits following separation from active reserve status and final discharge from the military.

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

Page 2, line 10, delete "and"

Page 2, delete lines 11 to 14

Page 2, line 15, delete everything before "NOW"

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

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

S.F. No. 998: A bill for an act relating to state government; changing provisions for construction codes and licensing provisions; providing penalties and enforcement; instructing the revisor to renumber certain statutory sections; appropriating money; amending Minnesota Statutes 2006, sections 16B.04, subdivision 2; 16B.60, subdivisions 4, 7, 8, 11; 16B.61; 16B.615, subdivision 4; 16B.617; 16B.6175; 16B.63; 16B.64, by adding a subdivision; 16B.65; 16B.70; 16B.72; 16B.73; 16B.735; 16B.74, subdivisions 1, 2, by adding subdivisions; 16B.741; 16B.744; 16B.745, subdivisions 1, 4; 16B.747; 16B.748; 16B.76; 31.175; 103I.621, subdivision 3; 144.122; 144.99, subdivision 1; 175.16, subdivision 1; 178.01; 178.02; 178.03, subdivision 3; 178.041, subdivision 1; 183.38; 183.39, subdivision 1; 183.411, subdivision 2; 183.42; 183.45; 183.46; 183.465; 183.466; 183.48; 183.501; 183.505; 183.51; 183.54, subdivisions 1, 3; 183.545, by adding a subdivision; 183.56; 183.57, subdivisions 1, 2, 5, 6; 183.59; 183.60; 183.61, subdivisions 2, 4; 214.01, subdivision 3; 214.04, subdivisions 1, 3; 299F.011, subdivision 1; 325E.37, subdivision 6; 325E.58; 326.01, subdivisions 2, 3, 5, 6, 6a, 6b, 6c, 6e, 6f, 6g, 6j, 6k, 6l, 7, 8, by adding subdivisions; 326.242; 326.243; 326.244, subdivisions 1a, 2, 3, 4, 5, by adding a subdivision; 326.2441; 326.245; 326.248; 326.37; 326.38; 326.39; 326.40; 326.401; 326.405; 326.42; 326.46; 326.461, by adding subdivisions; 326.47; 326.48; 326.50; 326.57, subdivision 1; 326.58; 326.59; 326.60; 326.601; 326.61, subdivisions 1, 2, 3, 4; 326.62; 326.65; 326.83, subdivisions 6, 7, 11, 18, 19, 20; 326.84; 326.841; 326.842; 326.86; 326.87; 326.88; 326.89; 326.90, subdivision 1; 326.91, subdivision 1; 326.92; 326.921; 326.93; 326.94; 326.95, subdivision 2; 326.96; 326.97; 326.975, subdivision 1; 326.992; 327.20, subdivision 1; 327.205; 327.31, subdivisions 2, 3, 4, 7, 15, by adding a subdivision; 327.32, subdivision 8; 327.33, subdivisions 2, 6, 7; 327.34, subdivision 3; 327.35, subdivisions 1, 2; 327A.01, subdivision 2; 327B.01, subdivisions 4, 5, 7, 17, by adding subdivisions; 327B.04, subdivisions 1, 4, 6, 7, 8, by adding a subdivision; 327B.05, subdivision 1; 327B.10; 363A.40, subdivision 1; 462.357, subdivision 6a; 462A.07, subdivision 8; 471.465; 471.466; 471.467; 471.471; proposing coding for new law in Minnesota Statutes, chapters 326; 327B; proposing coding for new law as Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2006, sections 16B.665; 16B.747, subdivision 4; 183.001; 183.02; 183.375, subdivisions 1, 2, 3, 4, 5, 6; 183.41, subdivisions 1, 2, 3, 4; 183.44, subdivisions 1, 2, 3; 183.52; 183.54, subdivision 2; 183.545, subdivision 9; 183.61, subdivisions 1, 3, 5, 6; 326.01, subdivisions 4, 6h, 9, 10, 11, 12, 13; 326.241; 326.242, subdivisions 4, 9, 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10; 326.244, subdivision 6; 326.246; 326.2461; 326.247; 326.40, subdivision 4; 326.41; 326.44; 326.45; 326.47, subdivision 5; 326.51; 326.52; 326.521; 326.64; 326.83, subdivisions 3, 4, 12, 13; 326.85; 326.875; 326.91, subdivisions 2, 3, 4; 326.945; 326.975; 326.98; 327B.05, subdivisions 2, 3, 4, 5, 6; Minnesota Rules, parts 2809.0230; 2891.0010; 2891.0030; 3800.2650; 3800.3580; 3800.3590; 3800.3630; 3800.3750; 3800.3835; 4715.5600; 4715.5900; 4717.7000, subpart 1, item I; 5225.0880; 5225.8600, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9; 5230.0010; 5230.0020; 5230.0040; 5230.0060, subpart 2; 5230.0100, subparts 1, 3, 4.

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

Page 28, line 1, delete "a" and insert "the state"

Page 151, after line 35, insert:

"Sec. 29. Minnesota Statutes 2006, section 541.051, is amended to read:

541.051 LIMITATION OF ACTION FOR DAMAGES BASED ON SERVICES OR CONSTRUCTION TO IMPROVE REAL PROPERTY.

Subdivision 1. **Limitation; service or construction of real property; improvements.** (a) Except where fraud is involved, no action by any person in contract, tort, or otherwise to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to real property, ~~nor any action for contribution or indemnity for damages sustained on account of the injury,~~ shall be brought against any person performing or furnishing the design, planning, supervision, materials, or observation of construction or construction of the improvement to real property or against the owner of the real property more than two years after discovery of the injury ~~or, in the case of an action for contribution or indemnity, accrual of the cause of action,~~ nor, in any event shall such a cause of action accrue more than ten years after substantial completion of the construction. Date of substantial completion shall be determined by the date when construction is sufficiently completed so that the owner or the owner's representative can occupy or use the improvement for the intended purpose.

(b) Notwithstanding paragraph (a), an action for contribution or indemnity arising out of the defective and unsafe condition of an improvement to real property may be brought no later than two years after the cause of action for contribution or indemnity has accrued, regardless of whether it accrued before or after the ten-year period referenced in paragraph (a).

~~(b)~~ (c) For purposes of paragraph (a), a cause of action accrues upon discovery of the injury or, provided that in the case of an action for contribution or indemnity under paragraph (b), upon a cause of action accrues upon 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 defective and unsafe condition.

~~(c)~~ (d) Nothing in this section shall apply to actions for damages resulting from negligence in the maintenance, operation or inspection of the real property improvement against the owner or other person in possession.

~~(d)~~ (e) The limitations prescribed in this section do not apply to the manufacturer or supplier of any equipment or machinery installed upon real property.

Subd. 2. **Action allowed; limitation.** Notwithstanding the provisions of subdivision 1, paragraph (a), in the case of ~~an~~ a cause of action which accrues during the ninth or tenth year after substantial completion of the construction, an action to recover damages may be brought within two years after the date on which the cause of action accrued, but in no event may such an action be brought more than 12 years after substantial completion of the construction. Nothing in this subdivision shall limit the time for bringing an action for contribution or indemnity.

Subd. 3. **Not construed.** Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.

Subd. 4. **Applicability.** For the purposes of 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, such actions shall be brought within two years of the discovery of the breach. 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, but in no event may an action under section 327A.05 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 retroactive to June 30, 2006."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before "instructing" insert "clarifying and modifying the statute limitations of action for damages based on services or construction to improve real property;"

Amend the title numbers accordingly

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

MINNESOTA POLLUTION CONTROL AGENCY
Donald Schiefelbein

Reports the same back with the recommendation that the appointment be re-referred to the Committee on Environment and Natural Resources. Report adopted.

Senator Pogemiller from the Committee on Rules and Administration, to which were re-referred the following appointments:

LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES
Alfred Berner
Nancy Gibson
David Hartwell
John Hunt
Mary Mueller

Reports the same back with the recommendation that the appointments be re-referred to the Committee on Environment and Natural Resources. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1274 and 590 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Clark introduced –

Senate Resolution No. 116: A Senate resolution congratulating Christopher Leither for

receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Michel introduced –

Senate Resolution No. 117: A Senate resolution honoring Navy Senior Chief Fire Controlman (Surface Warfare) Daniel Lee Nelson, who is retiring in July 2007.

Referred to the Committee on Rules and Administration.

RECONSIDERATION

Senator Latz moved that the vote whereby the Senate refused to concur in the House amendments to S.F. No. 1333 on May 15, 2007, be now reconsidered. The motion prevailed.

Senator Latz withdrew his motion to not concur.

S.F. No. 1333: A bill for an act relating to commerce; enacting a car buyers' bill of rights; requiring disclosures; regulating the sale of "certified" used motor vehicles; requiring a cancellation option on purchase of a used motor vehicle; amending Minnesota Statutes 2006, sections 53C.01, by adding subdivisions; 53C.08, by adding a subdivision; 325F.662, subdivision 10, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 53C.

CONCURRENCE AND REPASSAGE

Senator Latz moved that the Senate concur in the amendments by the House to S.F. No. 1333 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1333 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Latz	Olson, G.	Sieben
Bakk	Fischbach	Limmer	Olson, M.	Skoe
Betzold	Foley	Lourey	Pappas	Tomassoni
Carlson	Frederickson	Lynch	Prettner Solon	Torres Ray
Chaudhary	Gerlach	Marty	Rest	Vandever
Clark	Gimse	Metzen	Robling	Wergin
Cohen	Hann	Michel	Rummel	Wiger
Day	Higgins	Moua	Saltzman	
Dibble	Ingebrigtsen	Murphy	Saxhaug	
Dille	Koering	Neuville	Scheid	
Doll	Larson	Olseen	Sheran	

Those who voted in the negative were:

Jungbauer	Kubly	Skogen	Vickerman
Koch	Ortman	Sparks	

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

RECESS

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

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

MEMBERS EXCUSED

Senators Rosen and Stumpf were excused from the Session of today. Senators Day, Dille and Ortman were excused from the Session of today from 10:00 to 11:00 a.m. Senators Dibble, Latz and Sheran were excused from the Session of today from 10:00 to 11:15 a.m. Senator Bakk was excused from the Session of today from 10:00 to 11:15 a.m. and 4:10 to 4:25 p.m. Senator Wiger was excused from the Session of today from 10:25 to 10:30 a.m. Senator Murphy was excused from the Session of today from 2:30 to 2:35 p.m. Senator Johnson was excused from the Session of today at 5:00 p.m. Senator Lynch was excused from the Session of today from 5:20 to 5:25 p.m. Senator Koering was excused from the Session of today from 5:25 to 5:35 p.m. Senator Senjem was excused from the Session of today from 5:30 to 6:50 p.m. Senator Berglin was excused from the Session of today at 6:50 p.m. Senator Bonoff was excused from the Session of today from 6:50 to 7:05 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, May 17, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Wednesday, May 16, 2007

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 5335 to 5337

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
1705		66	5336
2030		67	5336
1902		68	5336
322		69	5336
1509		70	5336
744		72	5336
2161		73	5336
988		74	5337
1557		76	5337
1464		71	5337
585		75	5337

MESSAGES FROM THE HOUSE AND FIRST READING OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
54	5339			
69	5341			
112	5368			
118	5369			
118	5369			
184	5341			
303	5338			

547	5368
961	5340
1019	5338
1186	5368
1495	5338
1724	5368
Sen. Res. No. 1370	5368

CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
54	5339		
69	5341		
303	5338		
961	5340		
1333	5373		

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
590	5369	5372			
998	5370				
1274	5369	5372			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
1310	5342		
1933	5342		
Sen. Res. No. 115	5342		
Sen. Res. No. 116	5372		
Sen. Res. No. 117	5373		

CONFERENCE COMMITTEE REPORTS AND THIRD READINGS

S.F. Nos.	Page	H.F. Nos.	Page
1085	5366		
1165	5365		

CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
653	5350	1758	5351
886	5351		

RECONSIDERATION

S.F. Nos.	Page	H.F. Nos.	Page
1333	5373		
1333	5373		

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
		122	5345
		548	5348
		1063	5344
		1078	5346
		2245	5352
		2268	5359

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F Nos. 2304 to 2306	Page 5343
-----------------------------	-----------