

FORTY-NINTH DAY

St. Paul, Minnesota, Friday, April 29, 2005

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Senator Johnson, D.E. 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. Sharon Nelson.

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

Anderson	Gerlach	Larson	Ortman	Senjem
Bachmann	Hann	LeClair	Ourada	Skoe
Belanger	Higgins	Limmer	Pappas	Skoglund
Berglin	Hottinger	Lourey	Pariseau	Solon
Betzold	Johnson, D.E.	Marko	Pogemiller	Sparks
Chaudhary	Johnson, D.J.	Marty	Ranum	Stumpf
Cohen	Jungbauer	McGinn	Reiter	Tomassoni
Day	Kelley	Metzen	Rest	Vickerman
Dibble	Kierlin	Michel	Robling	Wergin
Dille	Kiscaden	Moua	Rosen	Wiger
Fischbach	Kleis	Murphy	Ruud	
Foley	Koering	Neuville	Sams	
Frederickson	Kubly	Nienow	Saxhaug	
Gaither	Langseth	Olson	Scheid	

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

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. 4: A bill for an act relating to agriculture; increasing minimum ethanol content required for gasoline sold in the state; establishing a petroleum replacement goal; amending Minnesota Statutes 2004, section 239.791, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 239.

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

Davids, Hamilton and Juhnke.

Senate File No. 4 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 29, 2005

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2005

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1: A bill for an act relating to public safety; appropriating money for the courts, Public Safety, and Corrections Departments, the Peace Officer Standards and Training Board, the Private Detective Board, Human Rights Department, and the Sentencing Guidelines Commission; making a standing appropriation for bond service for the 911 system; appropriating money for methamphetamine grants, homeless outreach grants, and youth intervention grants; requiring life without release sentences for certain egregious first degree criminal sexual conduct offenses; requiring indeterminate life sentences for certain sex offenses; increasing statutory maximum sentences for sex offenses; authorizing asexualization for certain sex offenders; requiring certain predatory offenders to obtain marked vehicle license plates and drivers' licenses or identification cards; establishing the Minnesota Sex Offender Review Board and providing its responsibilities, including release decisions, access to data, expedited rulemaking, and the applicability to it of contested case proceedings and the Open Meeting Law; directing the Sentencing Guidelines Commission to modify the sentencing guidelines; providing criminal penalties; modifying predatory offender registration and community notification requirements; expanding Department of Human Services access to the predatory offender registry; modifying the human services criminal background check law; establishing an ongoing Sex Offender Policy Board to develop uniform supervision and professional standards; requesting the Supreme Court to study use of the court system as an alternative to the administrative process for discharge of persons committed as sexually dangerous persons or sexual psychopathic personalities; making miscellaneous technical and conforming amendments to the sex offender law; requiring level III sex offenders to submit to polygraphs as a condition of release; providing that computers are subject to forfeiture if used to commit designated offenses; amending fire marshal safety law; defining explosives for purposes of rules regulating storage and use of explosives; transferring the youth intervention program to the Department of Public Safety; amending the Emergency Communications Law by assessing fees and authorizing issuance of bonds for the third phase of the statewide public safety radio communication system; requiring a statewide human trafficking assessment and study; establishing a gang and drug oversight council and a financial crimes oversight council; requiring correctional facilities to provide the Bureau of Criminal Apprehension with certain fingerprint information; requiring law enforcement agencies to take biological specimens for DNA analysis for persons arrested for designated crimes in 2005 and further crimes in 2010; establishing correctional officers discipline procedures; increasing surcharges on criminal and traffic offenders; changing certain waiting periods for limited drivers' licenses; changing provisions relating to certain drivers' license restrictions; limiting public defender representation; authorizing public defender access to certain criminal justice data; requiring the revisor of statutes to publish a table containing cross-references to Minnesota Laws imposing collateral sanctions; requiring background checks for certain child care and placement situations; requiring the finder of fact to find a severe aggravating factor before imposing a sentence in excess of that provided by the Sentencing Guidelines; providing procedures where state intends to seek an aggravated durational departure; defining new crimes, amending crimes and imposing criminal penalties; prohibiting persons from operating motor vehicles containing traffic signal-override devices; requiring

restraint of children under the age of seven; providing for a study on sentencing policy; requiring a report by counties to the legislature on level III sex offenders; amending Minnesota Statutes 2004, sections 2.722, subdivision 1; 13.461, by adding subdivisions; 13.6905, subdivision 17; 13.82, by adding a subdivision; 13.851, subdivision 5, by adding a subdivision; 13.87, subdivision 3; 13.871, subdivision 5; 13D.05, subdivision 2; 16C.09; 43A.047; 84.362; 116L.30; 144.335, by adding a subdivision; 144A.135; 152.02, subdivisions 4, 5; 168.12, by adding a subdivision; 169.06, by adding a subdivision; 169.71, subdivision 1; 169A.275, subdivision 1; 169A.52, subdivision 4; 169A.60, subdivisions 10, 11; 169A.63, subdivision 8; 169A.70, subdivision 3, by adding subdivisions; 171.07, subdivisions 1, 3; 171.09; 171.20, subdivision 4; 171.26; 171.30, subdivision 2a; 214.04, subdivision 1; 216D.08, subdivisions 1, 2; 237.70, subdivision 7; 241.67, subdivision 3; 242.195, subdivision 1; 243.1606, subdivision 1; 243.166; 243.167; 243.24, subdivision 2; 244.05, subdivisions 4, 5, 6, 7; 244.052, subdivisions 3, 4, by adding subdivisions; 244.09, subdivision 5; 244.10, subdivision 2, by adding subdivisions; 244.18, subdivision 2; 245C.03, subdivision 1; 245C.13, subdivision 2; 245C.15, subdivisions 1, 2, 3, 4; 245C.17, subdivisions 1, 2, 3; 245C.21, subdivisions 3, 4; 245C.22, by adding a subdivision; 245C.23, subdivision 1; 245C.24, subdivisions 2, 3, 4, by adding a subdivision; 245C.30, subdivisions 1, 2; 246.13; 253B.18, subdivisions 4a, 5, by adding a subdivision; 259.11; 259.24, subdivisions 1, 2a, 5, 6a; 260C.201, subdivision 11; 260C.212, subdivision 4; 282.04, subdivision 2; 299A.38, subdivisions 2, 2a, 3; 299A.465, by adding subdivisions; 299C.03; 299C.08; 299C.093; 299C.095, subdivision 1; 299C.10, subdivision 1, by adding a subdivision; 299C.11; 299C.14; 299C.145, subdivision 3; 299C.155; 299C.21; 299C.65, subdivisions 1, 2, 5, by adding a subdivision; 299F.011, subdivision 7; 299F.014; 299F.05; 299F.051, subdivision 4; 299F.06, subdivision 1; 299F.19, subdivisions 1, 2; 299F.362, subdivisions 3, 4; 299F.391, subdivision 1; 299F.46, subdivisions 1, 3; 325F.04; 326.3382, by adding a subdivision; 326.3384, subdivision 1; 343.31; 357.021, subdivisions 6, 7; 357.18, subdivision 3; 403.02, subdivisions 7, 13, 17, by adding a subdivision; 403.025, subdivisions 3, 7; 403.05, subdivision 3; 403.07, subdivision 3; 403.08, subdivision 10; 403.11, subdivisions 1, 3, 3a; 403.113, subdivision 1; 403.21, subdivision 8; 403.27, subdivisions 3, 4, by adding subdivisions; 403.30, subdivisions 1, 3, by adding subdivisions; 508.82, subdivision 1; 508A.82, subdivision 1; 518B.01, by adding a subdivision; 590.01, subdivision 1, by adding a subdivision; 609.02, subdivision 16; 609.108, subdivisions 1, 3, 4, 6, 7; 609.109, subdivisions 3, 4, 5, 6, 7; 609.1095, subdivisions 2, 4; 609.115, by adding a subdivision; 609.117; 609.1351; 609.185; 609.2231, subdivision 3; 609.2242, subdivision 3; 609.229, subdivision 3, by adding a subdivision; 609.321, subdivision 12; 609.341, subdivision 14, by adding subdivisions; 609.342, subdivisions 2, 3; 609.343, subdivisions 2, 3; 609.344, subdivisions 2, 3; 609.345, subdivisions 2, 3; 609.347; 609.3471; 609.348; 609.353; 609.485, subdivisions 2, 4; 609.487, by adding a subdivision; 609.50, subdivision 1; 609.505; 609.52, subdivision 2; 609.527, subdivisions 1, 3, 4, 6, by adding a subdivision; 609.531, subdivision 1; 609.5311, subdivisions 2, 3; 609.5312, subdivisions 1, 3, 4, by adding a subdivision; 609.5314, subdivision 1; 609.5317, subdivision 1; 609.5318, subdivision 1; 609.605, subdivisions 1, 4; 609.725; 609.748, subdivisions 2, 3a, by adding a subdivision; 609.749, subdivision 2; 609.763, subdivision 3; 609.79, subdivision 2; 609.795, by adding a subdivision; 609A.02, subdivision 3; 609A.03, subdivision 7; 611.14; 611.16; 611.25, subdivision 1; 611.272; 611A.01; 611A.036; 611A.19; 611A.53, subdivision 1b; 617.23, subdivisions 2, 3; 624.22, subdivision 1; 626.04; 626.556, subdivision 3; 626.557, subdivisions 12b, 14; 631.045; 631.425, subdivision 4; 641.21; Laws 2004, chapter 201, section 22; proposing coding for new law in Minnesota Statutes, chapters 171; 241; 243; 244; 260C; 299A; 299C; 590; 609; 611; 629; proposing coding for new law as Minnesota Statutes, chapter 545A; repealing Minnesota Statutes 2004, sections 69.011, subdivision 5; 243.162; 243.166, subdivisions 1, 8; 244.10, subdivisions 2a, 3; 246.017, subdivision 1; 299A.64; 299A.65; 299A.66; 299A.68; 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, 9; 299F.011, subdivision 4c; 299F.015; 299F.10; 299F.11; 299F.12; 299F.13; 299F.14; 299F.15; 299F.16; 299F.17; 299F.361; 299F.451; 299F.452; 403.025, subdivision 4; 403.30, subdivision 2; 609.108, subdivisions 2, 4, 5; 609.109, subdivisions 2, 4, 6; 609.119; 611.18; 624.04; Laws 2004, chapter 283, section 14.

Senator Johnson, D.E. moved that H.F. No. 1 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 473 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
473	288				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 473 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 473 and insert the language after the enacting clause of S.F. No. 288, the first engrossment; further, delete the title of H.F. No. 473 and insert the title of S.F. No. 288, the first engrossment.

And when so amended H.F. No. 473 will be identical to S.F. No. 288, and further recommends that H.F. No. 473 be given its second reading and substituted for S.F. No. 288, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Johnson, D.E. from the Committee on Rules and Administration, to which was referred for proper reference under Rule 4.9:

S.F. No. 2276: A bill for an act relating to state government; environmental, natural resources, agricultural, and economic development purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2004, sections 11A.24, subdivision 6; 13.635, by adding a subdivision; 16A.125, subdivision 5; 17.03, subdivision 13; 17.117, by adding a subdivision; 17B.03, subdivision 1; 18B.05, subdivision 1; 18B.08, subdivision 4; 18B.26, subdivision 3; 18B.31, subdivision 5; 18B.315, subdivision 6; 18B.32, subdivision 6; 18B.33, subdivision 7; 18B.34, subdivision 5; 18C.141, subdivisions 1, 3, 5; 18C.425, subdivision 6; 18E.03, subdivision 2; 18G.10, subdivisions 5, 7; 18G.16, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 14; 18H.07, subdivisions 1, 2, 3; 19.64, subdivision 1; 25.341, subdivision 2; 25.39, subdivisions 1, 4; 41A.09, subdivisions 2a, 3a, by adding subdivisions; 41B.046, subdivision 5; 41B.049, subdivision 2; 60A.14, subdivision 1; 60K.55, subdivision 2; 72A.20, by adding a subdivision; 72B.04, subdivision 10; 82B.09, subdivision 1; 84.027, subdivisions 12, 13, 15; 84.0911, subdivision 2; 84.780; 84.788, subdivision 3, by adding a subdivision; 84.791, subdivision 2; 84.798, by adding a subdivision; 84.82, subdivision 2, by adding a subdivision; 84.8205, subdivisions 1, 3, 4, 6; 84.83, subdivisions 3, 4; 84.86, subdivision 1; 84.922, subdivision 2, by adding a subdivision; 84.925, subdivision 1; 84D.03, subdivision 4; 85.054, subdivision 1, by adding a subdivision; 85.055, subdivision 2, by adding a subdivision; 85.43; 86B.415, by adding a subdivision; 88.6435, subdivision 4; 89.039, subdivision 1; 89.37, by adding a subdivision; 90.195; 97A.055, subdivision 4b; 97A.061, subdivision 1; 97A.075, subdivision 3; 97A.4742, subdivision 4; 97A.482; 97A.485, subdivision 7; 97A.551, by adding a subdivision; 97B.015, subdivision 7; 97B.025; 97C.085; 103E.081, by adding subdivisions; 103G.271, subdivision 6; 103G.301, subdivision 2; 103G.615, subdivision 2; 103I.681, subdivision 11; 115.03, subdivision 4a; 115.551; 115B.48, subdivision 8; 115B.49, by adding a subdivision; 115C.07, subdivision 3; 115C.09, subdivisions 3h, 3j; 115C.13; 116J.571; 116J.572; 116J.574; 116J.575; 116L.20, subdivision 1; 116L.30, subdivisions 1, 2, by adding

subdivisions; 116O.09, subdivision 1a; 116P.05, subdivision 2; 129D.02, subdivision 3; 160.232; 168.1296, subdivision 1; 176.136, subdivision 1a; 183.41, by adding a subdivision; 183.411, subdivisions 2a, 3; 183.42; 183.44, subdivision 1; 183.51, subdivision 2, by adding a subdivision; 183.545; 183.57; 216B.2424, subdivisions 1, 2, 5a, 6, 8, by adding a subdivision; 223.17, subdivision 3; 231.16; 232.22, subdivision 3; 236.02, subdivision 4; 237.11; 237.295, subdivisions 1, 2; 237.701, subdivision 1; 239.011, subdivision 2; 239.05, subdivision 10b, by adding a subdivision; 239.09; 239.101, subdivision 3; 239.75, subdivisions 1, 5; 239.761; 239.77, by adding a subdivision; 239.79, subdivision 4; 239.791, subdivisions 1, 7, 8, 15; 239.792; 282.08; 282.38, subdivision 1; 296A.01, subdivisions 2, 7, 8, 14, 19, 20, 22, 23, 24, 25, 26, 28; 296A.18, subdivision 2; 298.22, by adding a subdivision; 357.021, subdivisions 1a, 2; 462.357, subdivision 1e; 469.050, subdivision 5; 469.1082, subdivision 1; 469.310, subdivision 11; 469.319, subdivision 1, by adding a subdivision; 469.320, subdivision 3; 469.330, subdivision 11; 469.340, subdivision 1; 473.197, subdivision 4; 474A.061, subdivision 2c; 517.08, subdivisions 1b, 1c; Laws 1999, chapter 224, section 7, as amended; Laws 2003, chapter 128, article 1, section 9, subdivision 6; Laws 2003, chapter 128, article 1, section 172; proposing coding for new law in Minnesota Statutes, chapters 25; 41B; 45; 84; 86B; 97C; 103F; 116H; 116P; 181; 219; 237; 325F; 354B; 446A; 473; proposing coding for new law as Minnesota Statutes, chapters 59B; 87A; repealing Minnesota Statutes 2004, sections 18B.065, subdivision 5; 19.64, subdivision 4a; 41B.046, subdivision 3; 84.901; 115B.49, subdivision 4a; 116J.573; 178.12; 239.05, subdivisions 6a, 6b; 473.156; 473.197, subdivisions 1, 2, 3, 5; Laws 1999, chapter 125, section 4, as amended.

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

Pages 85 to 91, delete sections 87 to 94

Pages 108 to 118, delete sections 121 to 127

Page 230, delete section 112

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 29, delete everything after "6;"

Page 2, line 31, delete "116H;"

Page 2, line 33, delete everything after "Statutes," and insert "chapter 59B;"

And when so amended the bill be given its second reading and placed on General Orders. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2278 and 2276 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 473 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Langseth moved that his name be stricken as a co-author to S.F. No. 4. The motion prevailed.

Senator Sams moved that the name of Senator Vickerman be added as a co-author to S.F. No. 4. The motion prevailed.

Senator Vickerman moved that the name of Senator Langseth be added as a co-author to S.F. No. 143. The motion prevailed.

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

Senator Skoglund moved that the names of Senators Lourey and Solon be added as co-authors to S.F. No. 2271. The motion prevailed.

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 and referred to the committees indicated.

Senators Tomassoni and Johnson, D.E. introduced--

S.F. No. 2279: A bill for an act relating to property taxation; providing for a limit on homestead property taxes based on the income of the homeowner; amending Minnesota Statutes 2004, sections 290A.03, subdivision 13; 290A.04, subdivisions 1, 2; 290A.23, subdivision 3; repealing Minnesota Statutes 2004, sections 273.1384, subdivision 1; 290A.04, subdivision 2h.

Referred to the Committee on Taxes.

Senator Koering introduced--

S.F. No. 2280: A bill for an act relating to taxation; income tax; creating an income tax subtraction for certain retired pensioners; amending Minnesota Statutes 2004, section 290.01, subdivision 19b.

Referred to the Committee on Taxes.

Senator Saxhaug introduced--

S.F. No. 2281: A bill for an act relating to public safety; reenacting the Minnesota Citizens' Personal Protection Act of 2003; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; amending Minnesota Statutes 2004, section 624.714, subdivision 17, as reenacted.

Referred to the Committee on Crime Prevention and Public Safety.

Senators McGinn and Robling introduced--

S.F. No. 2282: A bill for an act relating to child care; making improvements to child care services; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Health and Family Security.

Senators Bakk and Saxhaug introduced--

S.F. No. 2283: A bill for an act relating to property taxation; fixing the shares of the state general levy paid by noncommercial seasonal recreational property and commercial-industrial property; amending Minnesota Statutes 2004, section 275.025, subdivisions 2, 3, 4.

Referred to the Committee on Taxes.

Senator Langseth introduced--

S.F. No. 2284: A bill for an act relating to liquor; authorizing the city of Breckenridge to issue an on-sale liquor license.

Referred to the Committee on Commerce.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 1:15 p.m. The motion prevailed.

The hour of 1:15 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Frederickson moved that his name be stricken as chief author, and the name of Senator Bakk be added as chief author to S.F. No. 956. The motion prevailed.

Senator Kierlin moved that his name be stricken as chief author, and the name of Senator Pappas be added as chief author to S.F. No. 1174. The motion prevailed.

Senator Johnson, D.E. moved that H.F. No. 1385 be withdrawn from the Committee on Finance and laid on the table. The motion prevailed.

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 2266 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2266: A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions related to state government operations; modifying certain fee and revenue provisions; modifying provisions of various state boards and commissions; requiring studies and reports; facilitating registering to vote and voting; clarifying the definition of campaign expenditure; making certain exceptions to the ban on gifts to public officials; amending Minnesota Statutes 2004, sections 3.9741, subdivision 1; 10A.01, subdivisions 9, 35; 10A.071, subdivision 3; 15.06, subdivision 1; 16A.055, subdivision 1; 16A.103, subdivisions 1a, 1b; 16A.11, subdivision 2; 16B.04, subdivision 2; 16B.48, subdivisions 4, 5; 16C.26, subdivisions 3, 4; 16C.28, subdivision 2; 16E.01, subdivisions 1, 3; 16E.02; 16E.03, subdivisions 1, 2, 3, 7; 16E.04; 16E.0465, subdivisions 1, 2; 16E.055; 16E.07, subdivision 8; 37.06; 43A.33, subdivision 1; 135A.17, subdivision 2; 181.932, by adding a subdivision; 197.608, subdivision 5; 201.014, subdivision 2; 201.061, subdivisions 1, 3, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 4; 201.15; 203B.16, by adding a subdivision; 204B.10, subdivision 6; 204B.24; 204B.27, subdivision 11; 204C.06, subdivision 2; 204C.07, subdivision 4, by adding a subdivision; 204C.08, subdivision 1a; 204C.10; 204C.12, subdivisions 2, 4; 299C.65, subdivisions 1, 2; 349A.10, subdivision 3; 363A.28, subdivision 6; 363A.35, subdivision 3; 403.36, subdivision 1; 471.895, subdivision 3; 507.093; 507.24, subdivision 2; 524.5-310; S.F. No. 1879, article 10, section 33, if enacted; Laws 1998, chapter 404, section 15, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 6; 10; 15; 16E; 190; 641; repealing Minnesota Statutes 2004, sections 16B.48, subdivision 3; 16B.52; 16E.0465, subdivision 3; 363A.29, subdivision 2.

CALL OF THE SENATE

Senator Kleis imposed a call of the Senate for the balance of the proceedings on S.F. No. 2266. The Sergeant at Arms was instructed to bring in the absent members.

Senator Kleis moved to amend S.F. No. 2266 as follows:

Pages 64 to 83, delete article 5

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 28 and nays 37, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Larson	Nienow	Rosen
Belanger	Hann	LeClair	Olson	Ruud
Day	Johnson, D.J.	Limmer	Ortman	Senjem
Fischbach	Jungbauer	McGinn	Ourada	Wergin
Frederickson	Kierlin	Michel	Pariseau	
Gaither	Kleis	Neuville	Robling	

Those who voted in the negative were:

Anderson	Higgins	Lourey	Ranum	Sparks
Berglin	Hottinger	Marko	Reiter	Stumpf
Betzold	Johnson, D.E.	Marty	Rest	Tomassoni
Chaudhary	Kelley	Metzen	Saxhaug	Vickerman
Cohen	Kiscaden	Moua	Scheid	Wiger
Dibble	Koering	Murphy	Skoe	
Dille	Kubly	Pappas	Skoglund	
Foley	Langseth	Pogemiller	Solon	

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

Senator Kiscaden moved to amend S.F. No. 2266 as follows:

Page 2, line 4, delete "5" and insert "10"

Page 3, line 14, delete "8" and insert "3"

Page 4, line 22, after the period, insert "This is a onetime cancellation."

Page 5, line 51, after "This" insert "is a onetime"

Page 5, line 52, after "appropriation" insert "and"

Page 6, lines 10 and 11, delete "\$1,050,000" and insert "\$1,500,000"

Page 11, line 14, delete everything after "application"

Page 11, line 15, delete everything before "requests"

Page 11, line 19, after "council" insert "or applicable metropolitan agency, whichever has jurisdiction,"

Page 17, line 30, after "(a)" insert "Except as provided in paragraph (b),"

Page 23, line 36, after "violation" insert "of paragraph (a)"

Page 37, line 11, delete "Julie" and insert "Julia"

Page 37, delete line 23 and insert "ELECTRONIC REAL ESTATE RECORDING"

Page 38, line 23, delete "8" and insert "3"

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend S.F. No. 2266 as follows:

Page 4, line 54, delete "\$500,000" and insert "\$1,000,000"

Correct the subdivision and section totals and the summaries by fund

The motion prevailed. So the amendment was adopted.

Senator Vickerman moved to amend S.F. No. 2266 as follows:

Page 18, after line 26, insert:

"Sec. 9. [15.60] [PUBLIC SAFETY OFFICERS; AMERICAN FLAG.]

(a) A public employer may not forbid a peace officer or firefighter from wearing a patch or pin depicting the flag of the United States of America on the employee's uniform, according to customary and standard flag etiquette. However, a public employer may limit the size of a flag patch worn on a uniform to no more than three inches by five inches.

(b) For purposes of this section:

(1) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c) or (f);

(2) "firefighter" means a person as defined in section 299A.41, subdivision 4, clause (3) or (4); and

(3) "public employer" has the meaning given in section 179A.03, subdivision 15, and also includes a municipal fire department and an independent nonprofit firefighting corporation.

(c) A peace officer or firefighter who believes a public employer is violating this section may request the attorney general to issue an opinion on the issue. Upon such a request, the attorney general must issue a written opinion, which is binding, unless a court makes a contrary decision. If after issuing an opinion, the attorney general determines that a public employer continues to violate this section, the attorney general may bring an action in district court to compel compliance."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Frederickson moved to amend the Vickerman amendment to S.F. No. 2266 as follows:

Page 1, line 20, delete "such a"

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

The question recurred on the Vickerman amendment, as amended.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Gerlach	Kelley	Larson
Bachmann	Dibble	Hann	Kierlin	LeClair
Belanger	Dille	Higgins	Kiscaden	Limmer
Berglin	Fischbach	Hottinger	Kleis	Lourey
Betzold	Foley	Johnson, D.E.	Koering	Marko
Chaudhary	Frederickson	Johnson, D.J.	Kubly	Marty
Cohen	Gaither	Jungbauer	Langseth	McGinn

Metzen	Ortman	Rest	Senjem	Vickerman
Michel	Ourada	Robling	Skoe	Wergin
Moua	Pappas	Rosen	Skoglund	Wiger
Murphy	Pariseau	Ruud	Solon	
Neuville	Pogemiller	Sams	Sparks	
Nienow	Ranum	Saxhaug	Stumpf	
Olson	Reiter	Scheid	Tomassoni	

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

Senator Gerlach moved to amend S.F. No. 2266 as follows:

Page 83, delete section 24

Re-number 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 32 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Larson	Olson	Ruud
Belanger	Hann	LeClair	Ortman	Senjem
Day	Johnson, D.J.	Limmer	Ourada	Sparks
Dille	Jungbauer	McGinn	Pariseau	Wergin
Fischbach	Kierlin	Michel	Reiter	
Frederickson	Kleis	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	

Those who voted in the negative were:

Anderson	Higgins	Lourey	Pogemiller	Skoglund
Berglin	Hottinger	Marko	Ranum	Solon
Betzold	Johnson, D.E.	Marty	Rest	Stumpf
Chaudhary	Kelley	Metzen	Sams	Tomassoni
Cohen	Kiscaden	Moua	Saxhaug	Vickerman
Dibble	Kubly	Murphy	Scheid	Wiger
Foley	Langseth	Pappas	Skoe	

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

Senator Cohen moved to amend S.F. No. 2266 as follows:

Page 83, after line 16, insert:

"ARTICLE 6
UNCLASSIFIED POSITIONS

Section 1. Minnesota Statutes 2004, section 15.06, subdivision 6, is amended to read:

Subd. 6. [GENERAL POWERS OF COMMISSIONERS.] Except as otherwise expressly provided by law, a commissioner shall have the following powers:

(1) to delegate to any subordinate employee the exercise of specified statutory powers or duties as the commissioner may deem advisable, subject to the commissioner's control; provided, that every delegation shall be made by written order, filed with the secretary of state; ~~and further provided that only a deputy commissioner may have all the powers or duties of the commissioner;~~

(2) to appoint all subordinate employees and to prescribe their duties; provided, that all departments and agencies shall be subject to the provisions of chapter 43A;

(3) with the approval of the commissioner of administration, to organize the department or agency as deemed advisable in the interest of economy and efficiency; and

(4) to prescribe procedures for the internal management of the department or agency to the extent that the procedures do not directly affect the rights of or procedure available to the public.

Sec. 2. Minnesota Statutes 2004, section 15.06, subdivision 9, is amended to read:

Subd. 9. [PRIVATE EMPLOYMENT.] No former commissioner ~~or deputy commissioner~~ may, within one year after leaving the position of commissioner ~~or deputy commissioner~~ in a department or agency, appear or participate in proceedings of that department or agency representing the interests of private persons.

Sec. 3. Minnesota Statutes 2004, section 16A.01, subdivision 3, is amended to read:

Subd. 3. [~~DEPUTY; CONFIDENTIAL SECRETARY.~~] The commissioner may appoint a ~~deputy and~~ a confidential secretary. ~~Each, who~~ who serves at the commissioner's pleasure in the unclassified service.

Sec. 4. Minnesota Statutes 2004, section 16B.03, is amended to read:

16B.03 [APPOINTMENTS.]

The commissioner is authorized to appoint staff, ~~including two deputy commissioners~~, in accordance with chapter 43A.

Sec. 5. Minnesota Statutes 2004, section 17.01, is amended to read:

17.01 [CREATION OF DEPARTMENT; COMMISSIONER; ~~DEPUTY.~~]

There is created a Department of Agriculture, which shall be in the charge of a commissioner of agriculture, in this chapter called the commissioner, who shall be appointed by the governor under the provisions of section 15.06. Before entering upon the duties of office, the commissioner shall take the oath required of state officials. ~~The commissioner may appoint a deputy commissioner.~~

Sec. 6. Minnesota Statutes 2004, section 43A.03, subdivision 3, is amended to read:

Subd. 3. [ORGANIZATION.] The department shall be organized into two bureaus which shall be designated the Personnel Bureau and the Labor Relations Bureau. Each bureau shall be responsible for administering the duties and functions assigned to it by law. When the duties of the bureaus are not mandated by law, the commissioner may establish and revise the assignments of either bureau. ~~Each bureau shall be under the direction of a deputy commissioner.~~

Sec. 7. Minnesota Statutes 2004, section 45.013, is amended to read:

45.013 [POWER TO APPOINT STAFF.]

The commissioner of commerce may appoint ~~four deputy commissioners, four assistant commissioners, and~~ an assistant to the commissioner. ~~Those positions~~ That position, as well as that of a confidential secretary, ~~are~~ is unclassified. The commissioner may appoint other employees necessary to carry out the duties and responsibilities entrusted to the commissioner.

Sec. 8. Minnesota Statutes 2004, section 84.01, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENTS.] The commissioner of natural resources is appointed by the governor under the provisions of section 15.06. ~~The commissioner may appoint a deputy commissioner.~~

Sec. 9. Minnesota Statutes 2004, section 84.01, subdivision 3, is amended to read:

Subd. 3. [EMPLOYEES; DELEGATION.] Subject to the provisions of Laws 1969, chapter 1129, and to other applicable laws the commissioner shall organize the department and employ ~~up to three assistant commissioners, each of whom shall serve at the pleasure of the commissioner in the unclassified service, one of whom shall have responsibility for coordinating and directing the~~

~~planning of every division within the agency, and such other~~ officers, employees, and agents as the commissioner may deem necessary to discharge the functions of the department, define the duties of such officers, employees, and agents and to delegate to them any of the commissioner's powers, duties, and responsibilities subject to the control of, and under the conditions prescribed by, the commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Sec. 10. Minnesota Statutes 2004, section 116.03, subdivision 1, is amended to read:

Subdivision 1. [OFFICE.] (a) The office of commissioner of the Pollution Control Agency is created and is under the supervision and control of the commissioner, who is appointed by the governor under the provisions of section 15.06.

~~(b) The commissioner may appoint a deputy commissioner and assistant commissioners who shall be in the unclassified service.~~

(e) The commissioner shall make all decisions on behalf of the agency that are not required to be made by the agency under section 116.02.

Sec. 11. Minnesota Statutes 2004, section 116J.01, subdivision 5, is amended to read:

Subd. 5. [DEPARTMENTAL ORGANIZATION.] (a) The commissioner shall organize the department as provided in section 15.06.

~~(b) The commissioner may establish divisions and offices within the department. The commissioner may employ four deputy commissioners in the unclassified service.~~

(c) The commissioner shall:

(1) employ assistants and other officers, employees, and agents that the commissioner considers necessary to discharge the functions of the commissioner's office;

(2) define the duties of the officers, employees, and agents, and delegate to them any of the commissioner's powers, duties, and responsibilities, subject to the commissioner's control and under conditions prescribed by the commissioner.

(d) The commissioner shall ensure that there are at least three employment and economic development officers in state offices in nonmetropolitan areas of the state who will work with local units of government on developing local employment and economic development.

Sec. 12. Minnesota Statutes 2004, section 116J.035, subdivision 4, is amended to read:

Subd. 4. [DELEGATION OF POWERS.] The commissioner may delegate, in written orders filed with the secretary of state, any powers or duties subject to the commissioner's control to officers and employees in the department. Regardless of any other law, the commissioner may delegate the execution of specific contracts or specific types of contracts to ~~the commissioner's deputies, an assistant commissioner, or~~ a program director if the delegation has been approved by the commissioner of administration and filed with the secretary of state.

Sec. 13. Minnesota Statutes 2004, section 174.02, subdivision 2, is amended to read:

Subd. 2. [UNCLASSIFIED POSITIONS.] The commissioner may establish ~~four~~ two positions in the unclassified service at the ~~deputy and assistant commissioner,~~ assistant to commissioner or personal secretary levels. ~~No more than two of these positions shall be at the deputy commissioner level.~~

Sec. 14. Minnesota Statutes 2004, section 175.001, subdivision 1, is amended to read:

Subdivision 1. [CREATION AND ORGANIZATION.] The Department of Labor and Industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. The commissioner of labor and industry shall be appointed by the governor under the provisions of section 15.06. ~~There shall be one deputy commissioner in the department.~~

Sec. 15. Minnesota Statutes 2004, section 241.01, subdivision 2, is amended to read:

Subd. 2. [~~DIVISIONS; DEPUTIES.~~] The commissioner of corrections may appoint and employ ~~no more than two deputy commissioners.~~ The commissioner may also appoint a personal secretary, who shall serve at the commissioner's pleasure in the unclassified civil service.

Sec. 16. Minnesota Statutes 2004, section 245.03, subdivision 1, is amended to read:

Subdivision 1. [~~ESTABLISHMENT.~~] There is created a Department of Human Services. A commissioner of human services shall be appointed by the governor under the provisions of section 15.06. The commissioner shall be selected on the basis of ability and experience in welfare and without regard to political affiliations. ~~The commissioner shall appoint a deputy commissioner.~~

Sec. 17. Minnesota Statutes 2004, section 270.02, subdivision 3, is amended to read:

Subd. 3. [~~POWERS, ORGANIZATION, ASSISTANTS.~~] Subject to the provisions of this chapter and other applicable laws the commissioner shall have power to organize the department with such divisions and other agencies as the commissioner deems necessary and to appoint ~~one deputy commissioner,~~ a department secretary, directors of divisions, and such other officers, employees, and agents as the commissioner may deem necessary to discharge the functions of the department, define the duties of such officers, employees, and agents, and delegate to them any of the commissioner's powers or duties, subject to the commissioner's control and under such conditions as the commissioner may prescribe. Appointments to exercise delegated power to sign documents which require the signature of the commissioner or a delegate by law shall be by written order filed with the secretary of state.

Sec. 18. Minnesota Statutes 2004, section 299A.01, subdivision 1, is amended to read:

Subdivision 1. [~~CREATION; COMMISSIONER AND DEPUTY COMMISSIONER.~~] The Department of Public Safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor under the provisions of section 15.06. ~~The commissioner may appoint a deputy commissioner.~~

Sec. 19. [~~REPEALER.~~]

Minnesota Statutes 2004, sections 15.06, subdivisions 7 and 8; 17.013; 43A.03, subdivision 4; 190.08, subdivision 1; 196.021; and 363A.05, subdivision 2, are repealed."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 37 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	LeClair	Pogemiller	Sparks
Berglin	Hottinger	Lourey	Ranum	Stumpf
Betzold	Johnson, D.E.	Marko	Rest	Tomassoni
Chaudhary	Kelley	Marty	Sams	Vickerman
Cohen	Kiscaden	Metzen	Saxhaug	Wiger
Fischbach	Kleis	Murphy	Scheid	
Foley	Kubly	Nienow	Skoe	
Gerlach	Langseth	Pappas	Skoglund	

Those who voted in the negative were:

Bachmann	Hann	Limmer	Ourada	Senjem
Belanger	Johnson, D.J.	McGinn	Pariseau	Solon
Day	Jungbauer	Michel	Reiter	Wergin
Dille	Kierlin	Neuville	Robling	
Frederickson	Koering	Olson	Rosen	
Gaither	Larson	Ortman	Ruud	

The motion prevailed. So the amendment was adopted.

Senator Cohen moved to amend S.F. No. 2266 as follows:

Page 7, after line 41, insert:

"Sec. 16. SALARY SUPPLEMENT

Subdivision 1. Appropriations	7,000,000	14,000,000
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This appropriation is from the general fund.

Except as limited by the direct appropriation in this section, the amounts necessary to pay compensation and economic benefit increases during the biennium are appropriated to the commissioner of finance from the various funds in the state treasury from which salaries are paid. In the case of salaries that are paid from one fund, but that fund is reimbursed by another fund, the amounts necessary to make those reimbursements are also appropriated.

Subd. 2. Increases Covered

The compensation and economic benefit increases covered by this section are those paid to classified and unclassified employees and officers in the executive branch of state government, and to employees of the Minnesota Historical Society or the Minnesota State Colleges and Universities who are paid from state appropriations, but not including any elected official or any faculty member of the Minnesota State Colleges and Universities. The increases must be authorized by current law or result from collective bargaining agreements that are given interim approval by the Legislative Coordinating Commission Subcommittee on Employee Relations under Minnesota Statutes, sections 3.855 and 43A.18, or 179A.22, subdivision 4.

By January 1, 2006, the commissioner of employee relations must estimate any increases covered by this section and certify the amount necessary for each agency. During the biennium, the commissioner of finance shall transfer the necessary amounts to the proper accounts and shall promptly notify the house of representatives Ways and Means Committee and the senate Finance Committee of the amount transferred to each appropriation account. If the appropriated amounts are insufficient, the commissioner of finance shall proportionally allocate available funding among agencies. Any appropriation balance remaining the first year does not cancel, but is available for the second year."

Correct the summary by fund

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Jungbauer moved to amend S.F. No. 2266 as follows:

Page 81, after line 6, insert:

"Sec. 22. Minnesota Statutes 2004, section 211B.13, subdivision 1, is amended to read:

Subdivision 1. [BRIBERY, ADVANCING MONEY, AND TREATING PROHIBITED.] A person who willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food, liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises, or endeavors to obtain any money, position, appointment, employment, or other valuable consideration, to or for a person, in order to induce a voter to refrain from voting, or to vote in a particular way, at an election, is guilty of a felony. This section does not prevent a candidate from stating publicly preference for or support of another candidate to be voted for at the same primary or election. Refreshments of food or nonalcoholic beverages ~~of nominal~~ having a value up to \$1 consumed on the premises at a private gathering or public meeting or a value up to 25 cents if distributed at a public parade are not prohibited under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pariseau moved to amend S.F. No. 2266 as follows:

Page 65, lines 3 and 4, delete "payments for attending a state or national convention of a political party and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 52 and nays 12, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Ortman	Senjem
Belanger	Hottinger	Limmer	Pariseau	Skoe
Berglin	Johnson, D.E.	Lourey	Pogemiller	Solon
Betzold	Johnson, D.J.	Marko	Reiter	Sparks
Chaudhary	Jungbauer	Marty	Rest	Stumpf
Cohen	Kelley	McGinn	Robling	Vickerman
Day	Kiscaden	Michel	Rosen	Wergin
Dille	Kleis	Murphy	Ruud	Wiger
Fischbach	Kubly	Neuville	Sams	
Frederickson	Langseth	Nienow	Saxhaug	
Gaither	Larson	Olson	Scheid	

Those who voted in the negative were:

Anderson	Gerlach	Koering	Moua	Skoglund
Dibble	Higgins	Metzen	Pappas	Tomassoni
Foley	Kierlin			

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 2266 as follows:

Page 68, lines 15 to 36, delete the new language and reinstate the stricken language

Page 69, lines 1 to 6, delete the new language and reinstate the stricken language

Page 69, line 30, delete "DEFINITIONS" and insert "DEFINITION" and delete "definitions" and insert "definition"

Page 69, line 31, delete "apply" and insert "applies"

Page 69, delete lines 32 to 36

Page 70, delete lines 1 to 24

Page 70, line 25, delete "(f)" and insert "(b)"

Page 71, delete lines 7 to 9

Senator Limmer moved to amend the Limmer amendment to S.F. No. 2266 as follows:

Page 1, line 2, delete "36" and insert "23"

Page 1, line 4, delete "1" and insert "2"

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

The question recurred on the Limmer amendment, as amended.

The roll was called, and there were yeas 23 and nays 41, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Larson	Neuville	Pariseau
Belanger	Hann	LeClair	Nienow	Robling
Day	Johnson, D.J.	Limmer	Olson	Senjem
Fischbach	Jungbauer	McGinn	Ortman	
Gaither	Kierlin	Michel	Ourada	

Those who voted in the negative were:

Anderson	Higgins	Marko	Rosen	Stumpf
Berglin	Hottinger	Marty	Ruud	Tomassoni
Betzold	Johnson, D.E.	Metzen	Sams	Vickerman
Chaudhary	Kelley	Moua	Saxhaug	Wergin
Cohen	Kiscaden	Murphy	Scheid	Wiger
Dibble	Kleis	Pappas	Skoe	
Dille	Kubly	Pogemiller	Skoglund	
Foley	Langseth	Reiter	Solon	
Frederickson	Lourey	Rest	Sparks	

The motion did not prevail. So the Limmer amendment, as amended, was not adopted.

Senator Hottinger moved to amend S.F. No. 2266 as follows:

Page 66, delete lines 21 to 23 and insert:

"Subd. 2. [RESIDENTIAL HOUSING LIST.] All public postsecondary institutions ~~that enroll students accepting state or federal financial aid may in the state, and all private postsecondary institutions regulated by chapter 136A or 141, shall~~ prepare a current list of students the"

Page 69, line 4, before the comma, insert "and vouching for a resident in the facility"

Page 69, line 10, delete "shall" and insert "may"

Page 81, lines 5 and 6, delete the new language and insert "if the voter has returned more than once"

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 2266 as follows:

Page 67, after line 4, insert:

"Sec. 4. Minnesota Statutes 2004, section 200.02, subdivision 7, is amended to read:

Subd. 7. [MAJOR POLITICAL PARTY.] (a) "Major political party" means a political party that maintains a party organization in the state, political division or precinct in question and that has presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the last preceding state general election for presidential electors; and

whose candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election.

(b) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and whose members present to the secretary of state at any time before the close of filing for the state partisan primary ballot a petition for a place on the state partisan primary ballot, which petition contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election.

(c) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (a) becomes a major political party as of January 1 following that election and retains its major party status ~~notwithstanding that~~ for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (a) at the following subsequent state general election elections.

(d) A major political party whose candidates fail to receive the number and percentage of votes required under paragraph (a) at either each of two consecutive state general election elections described by paragraph (a) loses major party status as of December 31 following the ~~most recent~~ later of the two consecutive state general election elections.

Sec. 5. Minnesota Statutes 2004, section 200.02, subdivision 23, is amended to read:

Subd. 23. [MINOR POLITICAL PARTY.] (a) "Minor political party" means a political party ~~that is not a major political party as defined by subdivision 7 and~~ that has adopted a state constitution, designated a state party chair, held a state convention in the last two years, filed with the secretary of state no later than December 31 following the most recent state general election a certification that the party has met the foregoing requirements, and met the requirements of paragraph (b) or (e), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general, at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the preceding state general election for presidential electors; and

who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state at any time before the close of filing for the state partisan primary ballot a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election.

(c) A political party whose candidate receives a sufficient number of votes at a state general

election described in paragraph (b) becomes a minor political party as of January 1 following that election and retains its minor party status ~~notwithstanding that~~ for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (b) at the following subsequent state general election elections.

(d) A minor political party whose candidates fail to receive the number and percentage of votes required under paragraph (b) at ~~either~~ each of two consecutive state general election elections described by paragraph (b) loses minor party status as of December 31 following the ~~most recent~~ later of the two consecutive state general election elections.

(e) A minor party that qualifies to be a major party loses its status as a minor party at the time it becomes a major party. Votes received by the candidates of a major party must be counted in determining whether the party received sufficient votes to qualify as a minor party, notwithstanding that the party does not receive sufficient votes to retain its major party status. To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least ten percent of the total number of individuals who voted in the preceding state general election for that legislative office."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Nienow moved to amend S.F. No. 2266 as follows:

Page 67, after line 14, insert:

"The civil rights of an individual convicted of first- to third-degree criminal sexual conduct are not restored by virtue of having been finally discharged from their sentence or probation; their civil rights are restored only if their conviction has been set aside or they have been pardoned."

Page 72, lines 5 to 8, delete the new language and reinstate the stricken language

Page 79, lines 12 to 14, delete the new language and reinstate the stricken language

Senator Hottinger requested division of the Nienow amendment as follows:

First portion:

Page 67, after line 14, insert:

"The civil rights of an individual convicted of first- to third-degree criminal sexual conduct are not restored by virtue of having been finally discharged from their sentence or probation; their civil rights are restored only if their conviction has been set aside or they have been pardoned."

The question was taken on the adoption of the first portion of the Nienow amendment. The motion did not prevail. So the first portion of the amendment was not adopted.

Second portion:

Page 72, lines 5 to 8, delete the new language and reinstate the stricken language

Page 79, lines 12 to 14, delete the new language and reinstate the stricken language

The question was taken on the adoption of the second portion of the Nienow amendment. The motion did not prevail. So the second portion of the amendment was not adopted.

Senator Kleis moved to amend S.F. No. 2266 as follows:

Page 8, after line 1, insert:

"Sec. 18. [SALARY DECREASE FOR LEGISLATORS AND CONSTITUTIONAL OFFICERS.]

Subdivision 1. [DECREASE.] The salary for legislators, the governor, lieutenant governor, secretary of state, attorney general, and state auditor is decreased by four percent on July 1, 2005.

Subd. 2. [EFFECT ON OTHER COMPENSATION.] (a) Notwithstanding Minnesota Statutes, sections 85A.02, subdivision 5a; 116O.04, subdivision 1; and 349A.02, subdivision 1, or other law to the contrary, the salary of a state employee, other than the officials specified in subdivision 1, must not be decreased for the biennium ending June 30, 2007, as a result of subdivision 1.

(b) Notwithstanding Minnesota Statutes, section 43A.17, subdivision 9, for the biennium ending June 30, 2007, the compensation of an employee of a political subdivision that would exceed 95 percent of the governor's salary must not be decreased as a result of the decrease in the governor's salary specified in subdivision 1."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

Senator Betzold moved to amend the Kleis amendment to S.F. No. 2266 as follows:

Page 1, line 9, delete "(a)"

Page 1, delete lines 16 to 21

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

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

The roll was called, and there were yeas 24 and nays 42, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Larson	Nienow	Ruud
Belanger	Hann	LeClair	Olson	Scheid
Day	Johnson, D.J.	Limmer	Pariseau	Senjem
Fischbach	Jungbauer	McGinn	Reiter	Wergin
Gaither	Kleis	Michel	Rosen	

Those who voted in the negative were:

Anderson	Higgins	Lourey	Pappas	Solon
Berglin	Hottinger	Marko	Pogemiller	Sparks
Betzold	Johnson, D.E.	Marty	Ranum	Stumpf
Chaudhary	Kelley	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moua	Robling	Vickerman
Dibble	Kiscaden	Murphy	Sams	Wiger
Dille	Koering	Neuville	Saxhaug	
Foley	Kubly	Ortman	Skoe	
Frederickson	Langseth	Ourada	Skoglund	

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

Senator Frederickson moved to amend S.F. No. 2266 as follows:

Page 14, line 31, delete "such a" and insert "that"

Page 15, line 32, delete "it" and insert "the state auditor"

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 2266 as follows:

Page 2, after line 30, insert:

"This appropriation is not available after December 1, 2006, unless a constitutional amendment to establish a unicameral legislature has been voted on and not adopted in the 2006 general election."

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

Senator Kiscaden moved to amend S.F. No. 2266 as follows:

Page 26, after line 24, insert:

"Sec. 22. Minnesota Statutes 2004, section 359.01, is amended by adding a subdivision to read:

Subd. 4. [APPLICATION.] The secretary of state shall prepare the application form for a commission. The form may request personal information about the applicant, including, but not limited to, the applicant's Social Security number, relevant civil litigation, occupational license history, and criminal background, if any. For the purposes of this section, "criminal background" includes, but is not limited to, criminal charges, arrests, indictments, pleas, and convictions."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Limmer moved to amend the Kiscaden amendment to S.F. No. 2266 as follows:

Page 1, line 8, delete "the applicant's Social Security number,"

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

The question recurred on the adoption of the Kiscaden amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Sparks moved to amend S.F. No. 2266 as follows:

Page 83, after line 16, insert:

"ARTICLE 6

LICENSURE FOR SALES OF MANUFACTURED AND INDUSTRIALIZED MODULAR HOMES

Section 1. [16B.751] [SALES OF INDUSTRIALIZED/MODULAR BUILDINGS.]

Salespersons and brokers of industrialized/modular homes must be licensed under sections 327B.041 to 327B.045. A dealer of industrialized/modular homes must be a licensed manufactured home dealer under chapter 327B, a licensed residential contractor under chapter 326, or a licensed real estate broker under chapter 82.

Sec. 2. Minnesota Statutes 2004, section 327B.01, is amended by adding a subdivision to read:

Subd. 7a. [EMPLOYER.] "Employer" means a licensed manufactured home dealer under chapter 327B, a licensed residential contractor under chapter 326, or a licensed real estate broker under chapter 82.

Sec. 3. Minnesota Statutes 2004, section 327B.04, subdivision 1, is amended to read:

Subdivision 1. [LICENSE AND BOND REQUIRED.] No person shall act as a dealer in manufactured homes, new or used, without a license and a surety bond as provided in this section.

No person shall manufacture manufactured homes without a license and a surety bond as provided in this section. The licensing and bonding requirements of this section do not apply to any bank, savings bank, savings association, or credit union, chartered by either this state or the federal government, which acts as a dealer only by repossessing manufactured homes and then offering the homes for resale.

A dealer of industrialized/modular homes, as defined in section 16B.75, must be licensed as a dealer under this section, as a residential contractor under chapter 326, or as a real estate broker under chapter 82.

Sec. 4. Minnesota Statutes 2004, section 327B.04, subdivision 4, is amended to read:

Subd. 4. [LICENSE PREREQUISITES.] No application shall be granted nor license issued until the applicant proves to the commissioner that:

(a) the applicant has a permanent, established place of business at each licensed location. An "established place of business" means a permanent enclosed building other than a residence, or a commercial office space, either owned by the applicant or leased by the applicant for a term of at least one year, located in an area where zoning regulations allow commercial activity, and where the books, records and files necessary to conduct the business are kept and maintained. The owner of a licensed manufactured home park who resides in or adjacent to the park may use the residence as the established place of business required by this subdivision, unless prohibited by local zoning ordinance.

If a license is granted, the licensee may use unimproved lots and premises for sale, storage, and display of manufactured homes, if the licensee first notifies the commissioner in writing;

(b) if the applicant desires to sell, solicit or advertise the sale of new manufactured homes, it has a bona fide contract or franchise in effect with a manufacturer or distributor of the new manufactured home it proposes to deal in;

(c) the applicant has secured a surety bond in the amount of \$20,000 for the protection of consumer customers, executed by the applicant as principal and issued by a surety company admitted to do business in this state. The bond shall be exclusively for the purpose of reimbursing consumer customers and shall be conditioned upon the faithful compliance by the applicant with all of the laws and rules of this state pertaining to the applicant's business as a dealer or manufacturer, including sections 325D.44, 325F.67 and 325F.69, and upon the applicant's faithful performance of all its legal obligations to consumer customers;

(d) the applicant has established a trust account as required by section 327B.08, subdivision 3, unless the applicant states in writing its intention to limit its business to selling, offering for sale, soliciting or advertising the sale of new manufactured homes; and

(e) the applicant has provided evidence of having had at least two years' prior experience in the sale of manufactured homes, working for a licensed dealer holds a salesperson license under sections 327B.041 to 327B.045 and has: (1) a minimum of two years' experience as an active salesperson for a licensed dealer within the past four years; or (2) two years' continuous experience as an active salesperson for a licensed dealer within the past ten years. This requirement does not apply to dealers holding valid licenses prior to November 1, 2005.

Sec. 5. [327B.041] [SALESPERSON LICENSE; EXAMINATION.]

Subdivision 1. [LICENSE REQUIRED FOR SALESPERSON OR BROKER.] A person may not act as a salesperson or broker of manufactured homes, new or used, or of industrialized/modular buildings as defined in section 16B.75, without a salesperson license as provided in sections 327B.041 to 327B.045.

Subd. 2. [EXAMINATION ELIGIBILITY; REVOCATION.] A person is not eligible to take the examination for a salesperson license under this section if the applicant has had any related professional or trade license, as defined by the commissioner, revoked or suspended in this or any other state within five years of the date of the application.

Subd. 3. [EXAMINATION FREQUENCY.] The commissioner shall hold examinations at times and places the commissioner determines, except that the examinations must be held at least every 90 days.

Subd. 4. [EXAMINATION FORMAT.] The examination must consist of not more than 100 multiple-choice questions in an open-book format. The examination must be developed by the commissioner with input and guidance from the Minnesota Manufactured Home Association or its successor organization. A passing grade for the examination is a score of 70 percent or higher.

Subd. 5. [EXEMPTION FROM SALESPERSON EXAMINATION.] The testing provisions of this section do not apply to a person who, as of July 1, 2006, holds a salesperson license under sections 327B.041 to 327B.045 and has acted as a salesperson or broker of manufactured homes, new or used, or of industrialized/modular buildings as defined in section 16B.75, for an employer for a continuous period of two years immediately prior to July 1, 2006.

Subd. 6. [REEXAMINATIONS.] An examination is required before the renewal of a salesperson license that has been suspended, or before the issuance of a license to a person whose license has been ineffective for a period of two years, except no reexamination is required of an individual who has failed to renew an existing license because of absence from the state while on active duty with the armed forces of the United States.

Sec. 6. [327B.042] [SALESPERSON LICENSING; APPLICATION.]

Subdivision 1. [QUALIFICATION OF APPLICANTS.] An applicant for a salesperson license must be at least 18 years of age at the time of applying for the license.

Subd. 2. [APPLICATION FOR LICENSE; CONTENTS.] (a) An applicant for a license as a salesperson shall apply in writing on forms prepared and furnished by the commissioner. Each application must be signed and sworn to by the applicant and be accompanied by a license fee set by the commissioner.

(b) An application for a salesperson license must contain:

- (1) information required by the commissioner consistent with the administration of this chapter;
- (2) the applicant's name, age, Social Security number, residence address, employment history for the past ten years, and the name and place of business of the employer on whose behalf the salesperson will be acting;
- (3) the names of any company, partnership, or corporation licensed or registered in Minnesota in which the applicant has held any ownership interest or over which the applicant has exercised control as either owner or management; and
- (4) whether the applicant or any entity identified in clause (3) has ever filed for bankruptcy or been declared insolvent.

(c) The commissioner may require further information the commissioner deems appropriate to administer sections 327B.041 to 327B.045.

(d) An applicant for a salesperson license must submit to the commissioner, along with the application for licensure, consents for credit and criminal background checks. The criminal background check must be multistate for all states of past residency over the previous ten years. A salesperson license may not be issued to an applicant who the commissioner determines may not be of fit character or has, in the conduct of the applicant's affairs, been shown to be incompetent, untrustworthy, or financially irresponsible, or has engaged in criminal, fraudulent, deceptive, or dishonest practices.

Subd. 3. [PROVISIONAL 90-DAY LICENSE.] An applicant who has submitted a completed application to the commissioner must be issued a provisional license under which the applicant may work for the employer identified in the license application, but may not sign purchase agreements or any financing documents, all of which must be signed by the employer. The

applicant has 90 days to pass the salesperson's examination. Upon obtaining a passing score on the examination and issuance of a salesperson's license, the provisional license expires and the employer must surrender it to the commissioner. No more than two provisional licenses may be issued to an applicant within any 24-month period. A provisional 90-day license must not be issued to brokers.

Subd. 4. [CHANGE OF APPLICATION INFORMATION.] The commissioner must be notified in writing of a change of information contained in the license application on file with the commissioner within ten days of the change.

Sec. 7. [327B.043] [SALESPERSON LICENSING; CONTINUING EDUCATION.]

(a) A person holding a salesperson license must successfully complete ten hours of continuing education, either as a student or a lecturer, in courses of study approved by the commissioner, during the initial license period and during each succeeding 24-month license period. During the initial term of licensure, at least six of the ten credit hours must be completed during the first 12 months of the 24-month licensing period. A salesperson may not claim credit for continuing education not actually completed as of the date the report of continuing education compliance is filed.

(b) The commissioner may adopt rules defining the standards for course and instructor approval and continuing education as required under this section. The commissioner may not approve a course which can be completed by the salesperson at home or outside the classroom without the supervision of an instructor except accredited courses using new delivery technology, including interactive technology, and the Internet. The commissioner may approve courses of study in the field offered in educational institutions of higher learning in this state or courses of study in the field developed by and offered under the auspices of the Manufactured Housing Institute, the Minnesota Manufactured Home Association, or their successors and affiliates, or private schools. Courses in motivation, salesmanship, psychology, or time management are not eligible for continuing education credit. Courses in professionalism in home sales and legal requirements involving purchase agreements and other salesperson legal and regulatory obligations are eligible for approval.

(c) Any program approved by the commissioner of commerce for continuing education for real estate brokers and licensees under chapter 82 must be approved by the commissioner for continuing education for salespersons under this section. A program approved by the commissioner of commerce for continuing education for contractors under chapter 326 must be approved by the commissioner for continuing education for salespersons under this section.

(d) As part of the continuing education requirements of this section, a salesperson must receive:

(1) at least four hours of training during each license period in courses regarding laws or regulations on dual agency representation and disclosure; laws or regulations governing the sale, construction standards, and installation of manufactured homes or prefabricated modular homes; and the Minnesota State Building Code; and

(2) at least one hour of training during each license period in courses in state and federal fair housing laws and regulations or other antidiscrimination laws or regulations or courses designed to assist in meeting the housing needs of immigrant and other underserved populations and courses in consumer fair credit laws and consumer privacy requirements.

(e) The commissioner may establish a procedure for renewal of course accreditation and must apply broadly the requirements of this section when reviewing courses submitted for approval. The commissioner may expand the list of qualifying subject areas for course approval based on changes within the industry or changes related to state and federal requirements.

(f) Credit may not be earned if the salesperson has previously obtained credit for the same course as either a student or instructor during the same licensing period.

(g) The continuing education course completion certificate must be in the form prescribed by the commissioner.

(h) Salespersons are responsible for maintaining copies of course completion certificates.

Sec. 8. [327B.044] [SALESPERSON LICENSING; RENEWAL.]

Subdivision 1. [DURATION.] A salesperson license is not effective for more than two years, except as provided in section 327B.045, subdivision 4, for certain new licenses. The commissioner shall cancel and not renew the license of any person who fails to comply with the continuing education requirements of section 327B.043.

Subd. 2. [TIMELY RENEWALS.] A salesperson whose renewal application has been properly and timely filed who has not received notice of denial of renewal is considered to have been approved for renewal and may continue to transact business whether or not the renewed license has been received on or before July 1 of the renewal year. An application for renewal of a license is considered timely filed if received by the commissioner by, or mailed with proper postage and postmarked by, June 15 of the renewal year. An application for renewal is properly filed if made on notarized forms accompanied by fees set by the commissioner, and containing information the commissioner requires.

Subd. 3. [FAILURE TO RENEW.] A salesperson who has failed to make a timely application for renewal of a salesperson license and who has not received the renewal license as of July 1 of the renewal year is unlicensed until the license has been issued by the commissioner and is received.

Subd. 4. [EFFECT OF FAILURE TO RENEW LICENSE.] If a salesperson license lapses or becomes ineffective, the commissioner may institute a revocation or suspension proceeding within two years after the license was last effective and enter a revocation or suspension order as of the last date on which the license was in effect and may require that the salesperson take the salesperson license examination.

Subd. 5. [CANCELLATION OF SALESPERSON LICENSE.] A salesperson license that has been canceled for failure of a salesperson to complete continuing education requirements must be returned to the commissioner by the employer within ten days of receipt of notice of cancellation. The license must be reinstated without reexamination if the salesperson completes the required instruction, filing an application, and pays the fee for a salesperson license prior to the expiration date of the license.

Sec. 9. [327B.045] [SALESPERSON LICENSING; OTHER.]

Subdivision 1. [GENERALLY.] The commissioner shall issue a salesperson license to any person who qualifies for the license under sections 327B.041 to 327B.045. A salesperson license must be issued in the name of the applicant to the employer identified in the license application.

Subd. 2. [RESPONSIBILITY.] Each employer is responsible for the acts of all of the employer's salespersons while acting as agents on the employer's behalf. Each officer of a corporation or partner in a partnership licensed as an employer has the same responsibility under sections 327B.041 to 327B.045 as a corporate or partnership employer with regard to the acts of the salespersons acting on behalf of the corporation or partnership.

Subd. 3. [ISSUANCE OF SALESPERSON LICENSE.] A salesperson is licensed to act on behalf of an employer and may not be licensed to act on behalf of more than one employer in this state during the same period of time. The license of each salesperson must be mailed to and remain in the possession of the employer with whom the salesperson is or will be associated until canceled or until the salesperson leaves the employer.

Subd. 4. [EFFECTIVE DATE OF LICENSE.] Licenses renewed under sections 327B.041 to 327B.045 are valid for 24 months. New licenses expire on June 30 of the following year unless the term of the new license would be less than 18 months in which case the new license expires on June 30 of the subsequent year. Implementation of the 24-month licensing program must be staggered so that approximately one-half of the licenses will expire on June 30 of each even-numbered year and the other one-half on June 30 of each odd-numbered year. Those salespersons who will receive a 36-month license on July 1, 2006, because of the staggered

implementation schedule, must pay for the license a fee increased by an amount equal to one-half the fee for renewal of the license.

Subd. 5. [TERMINATIONS; TRANSFERS.] (a) Except as provided in paragraph (b), if a salesperson terminates activity on behalf of an employer, the salesperson's license is ineffective. Within ten days of the termination, the employer shall notify the commissioner in writing and return the license of the salesperson to the commissioner. The salesperson may apply for transfer of the license to another employer at any time during the remainder of the license period on forms provided by the commissioner. If the application for transfer qualifies, the commissioner shall grant the application. Upon receipt of a transfer application and payment of the transfer fee, the commissioner may issue a 45-day probationary license. If an application for transfer is not made within the license period, the commissioner shall require that an application for a new license be filed.

(b) If a salesperson terminates activity on behalf of an employer in order to begin association immediately with another employer, the commissioner shall permit the automatic transfer of the salesperson's license. The transfer is effective either upon the mailing of the required fee and the executed documents by certified mail or upon personal delivery of the fee and documents to the commissioner's office. The commissioner may adopt rules and prescribe forms as necessary to implement this paragraph. Upon submission of an application for automatic transfer, the salesperson's license held by the employer from whom the salesperson is transferring shall be void and returned to the commissioner.

(c) The transfer is ineffective if the fee is paid by means of a check, draft, or other instrument or order of withdrawal drawn on an account with insufficient funds.

(d) The salesperson shall retain the certified mail return receipt if the transfer application is delivered to the commissioner by mail, retain a photocopy of the executed transfer application, and provide a photocopy of the executed transfer application to the employer from whom the salesperson is transferring.

(e) The salesperson's automatic transfer must be in the form prescribed by the commissioner.

Subd. 6. [AUTOMATIC TRANSFER OF DEALER'S LICENSE.] If a dealer terminates activity in order to begin association with another dealer, the commissioner shall permit the automatic transfer of the dealer license to a salesperson license. If there are salespersons working for the dealer, the dealer shall:

(1) certify to the commissioner that another dealer will remain in the company that the dealer is leaving prior to issuance of the transfer and shall identify the dealer remaining;

(2) certify to the commissioner that the salespersons will be transferring with the dealer, in which case the salespersons must comply with subdivision 5; or

(3) return the licenses of all salespersons to the commissioner.

The transfer is effective either upon the mailing of the required fee and the executed documents by certified mail or upon personal delivery of the fee and documents to the commissioner's office.

Subd. 7. [NONRESIDENTS.] A nonresident of Minnesota may be licensed as a salesperson upon compliance with sections 327B.041 to 327B.045.

Subd. 8. [TEMPORARY DEALER'S LICENSE.] In the event of the death or incapacity of a dealer, the commissioner may issue a 60-day temporary dealer license to a salesperson of the dealer if the salesperson has had a minimum of two years' experience as a salesperson and is otherwise reasonably qualified to act as a dealer. Upon application prior to its expiration, the 60-day temporary permit may be renewed once for an additional 45 days by the commissioner if the applicant demonstrates a good-faith effort to obtain a dealer's license within the preceding 60 days and an extension of time will not harm the public interest.

Only those salespersons licensed at the time of the dealer's death or incapacity may conduct business for or on behalf of the person to whom the temporary dealer's license was issued.

Subd. 9. [WITHDRAWAL OF LICENSE OR APPLICATION.] A salesperson or salesperson license applicant may at any time file with the commissioner a request to withdraw from the status of salesperson or to withdraw a pending license application. Withdrawal from the status of salesperson or withdrawal of the license application becomes effective 30 days after receipt of a request to withdraw or within a shorter period the commissioner determines, unless a revocation, suspension, or denial proceeding is pending when the request to withdraw is filed or a proceeding to revoke, suspend, deny, or impose conditions upon the withdrawal is instituted within 30 days after the request to withdraw is filed. If a proceeding is pending or instituted, withdrawal becomes effective at the time and upon the conditions the commissioner determines by order. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the commissioner may institute a revocation or suspension proceeding within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which the license was in effect.

Subd. 10. [EXEMPTION.] The following persons, when acting as salespersons, are exempt from sections 327B.041 to 327B.045:

- (1) a licensed residential contractor under chapter 326;
- (2) a licensed real estate broker or salesperson under chapter 82; and
- (3) a salesperson who is employed by a manufacturer of manufactured homes or modular homes who engages in sales only at the wholesale level but not to the public.

Sec. 10. [FEES.]

The commissioner of administration may set initial fees under sections 5 to 9 by rule, notwithstanding Minnesota Statutes, section 16A.1283.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective November 1, 2005."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Gerlach moved to amend S.F. No. 2266 as follows:

Page 20, after line 35, insert:

"Sec. 13. [16A.371] [RECIPIENTS OF STATE GRANTS AND APPROPRIATIONS.]

(a) This section applies to a nonprofit organization that receives a direct appropriation of state funds or that receives a grant of state funds, if during the period covered by the appropriation or grant an officer or employee of the organization will receive a salary from the nonprofit organization or a related organization that exceeds the salary of the governor. As a condition of receiving the direct appropriation or grant, a nonprofit organization covered by this section must agree that any written solicitation seeking contributions to the organization will include a list of the total compensation of the three highest-paid directors, officers, or employees of the organization and its related organizations.

(b) For purposes of this section:

- (1) "contribution" and "solicitation" have the meanings given in section 309.50;
- (2) "nonprofit organization" includes a corporation, partnership, limited partnership, limited liability company, joint venture, cooperative, association, or trust, wherever incorporated, organized, or registered, if the organization is organized on a nonprofit basis;
- (3) "related organization" has the meaning defined in section 317A.011, subdivision 18; and

(4) "total compensation" means salaries, fees, bonuses, fringe benefits, severance payments, and deferred compensation.

[EFFECTIVE DATE.] This section is effective July 1, 2005, and applies to grant agreements entered into and to appropriations received after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Kiscaden questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Kiscaden moved to amend S.F. No. 2266 as follows:

Page 23, after line 36, insert:

"Sec. 19. Minnesota Statutes 2004, section 181.9413, is amended to read:

181.9413 [SICK OR INJURED CHILD CARE LEAVE BENEFITS; USE TO CARE FOR CERTAIN RELATIVES.]

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness of ~~or~~, injury to, or death of the employee's child, spouse, sibling, parent, grandparent, stepparent, or regular member of the employee's household for such reasonable periods as the employee's attendance with the child may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury, to the extent of the employee's accumulation of sick leave. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

(c) The requirement under paragraph (a) is not a replacement for any other sick leave benefit provided for in any collective bargaining agreement or compensation plan.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to sick leave used on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Wergin questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Senator Frederickson moved to amend the Kiscaden amendment to S.F. No. 2266 as follows:

Page 1, line 10, after "grandparent," insert "or" and delete ", or regular member of the"

Page 1, line 11, delete "employee's household" and strike "such"

The question was taken on the adoption of the Frederickson amendment to the Kiscaden amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann
Belanger

Day
Fischbach

Frederickson
Gaither

Gerlach
Hann

Johnson, D.J.
Jungbauer

Kleis	McGinn	Olson	Reiter	Sams
Larson	Michel	Ortman	Robling	Stumpf
LeClair	Neuville	Ourada	Rosen	Vickerman
Limmer	Nienow	Pariseau	Ruud	Wergin

Those who voted in the negative were:

Anderson	Foley	Kubly	Murphy	Senjem
Berglin	Higgins	Langseth	Pappas	Skoe
Betzold	Hottinger	Lourey	Pogemiller	Skoglund
Chaudhary	Johnson, D.E.	Marko	Ranum	Solon
Cohen	Kelley	Marty	Rest	Sparks
Dibble	Kierlin	Metzen	Saxhaug	Tomassoni
Dille	Kiscaden	Moua	Scheid	Wiger

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

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

The roll was called, and there were yeas 38 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Pogemiller	Solon
Berglin	Higgins	Lourey	Ranum	Sparks
Betzold	Hottinger	Marko	Rest	Stumpf
Chaudhary	Johnson, D.E.	Marty	Sams	Tomassoni
Cohen	Kelley	Metzen	Saxhaug	Vickerman
Dibble	Kiscaden	Moua	Scheid	Wiger
Dille	Koering	Murphy	Skoe	
Foley	Kubly	Pappas	Skoglund	

Those who voted in the negative were:

Bachmann	Hann	LeClair	Olson	Rosen
Belanger	Johnson, D.J.	Limmer	Ortman	Ruud
Day	Jungbauer	McGinn	Ourada	Senjem
Fischbach	Kierlin	Michel	Pariseau	Wergin
Gaither	Kleis	Neuville	Reiter	
Gerlach	Larson	Nienow	Robling	

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 2266 as follows:

Page 8, after line 6, insert:

"Section 1. Minnesota Statutes 2004, section 3.011, is amended to read:

3.011 [SESSIONS.]

Subdivision 1. [ODD-NUMBERED YEARS.] The legislature shall meet at the seat of government on the first Tuesday after the first Monday in January of each odd-numbered year. When the first Monday in January falls on January 1, it shall meet on the first Wednesday after the first Monday. It shall also meet when called by the governor to meet in special session.

Subd. 2. [EVEN-NUMBERED YEARS.] The legislature may not meet at the seat of government until the first Monday in April of each even-numbered year. It shall also meet when called by the governor to meet in special session."

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 25 and nays 41, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Nienow	Robling
Day	Johnson, D.J.	LeClair	Olson	Rosen
Fischbach	Jungbauer	Limmer	Ortman	Ruud
Gaither	Kierlin	McGinn	Pariseau	Senjem
Gerlach	Kleis	Michel	Reiter	Wergin

Those who voted in the negative were:

Anderson	Frederickson	Lourey	Pogemiller	Sparks
Belanger	Higgins	Marko	Ranum	Stumpf
Berglin	Hottinger	Marty	Rest	Tomassoni
Betzold	Johnson, D.E.	Metzen	Sams	Vickerman
Chaudhary	Kelley	Moua	Saxhaug	Wiger
Cohen	Kiscaden	Murphy	Scheid	
Dibble	Koering	Neuville	Skoe	
Dille	Kubly	Ourada	Skoglund	
Foley	Langseth	Pappas	Solon	

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

Senator Limmer moved to amend S.F. No. 2266 as follows:

Page 75, after line 1, insert:

"Sec. 11. Minnesota Statutes 2004, section 203B.04, is amended by adding a subdivision to read:

Subd. 6. [ONGOING ABSENTEE STATUS; TERMINATION.] (a) An eligible voter who reasonably expects to meet the requirements of section 203B.02, subdivision 1, on an ongoing basis as a result of employment, may apply to a county auditor or municipal clerk for status as an ongoing absentee voter. Each applicant must automatically be provided with an absentee ballot for each ensuing election other than an election by mail conducted under section 204B.45, and must have the status of ongoing absentee voter indicated on the voter's registration card.

(b) Ongoing absentee voter status ends on:

(1) the voter's written request;

(2) the voter's death;

(3) return of an ongoing absentee ballot as undeliverable;

(4) a change in the voter's status so that the voter is not eligible to vote under section 201.15 or 201.155;

(5) placement of the voter's registration on inactive status under section 201.171; or

(6) the voter ceasing to meet the requirements of paragraph (a).

(c) The secretary of state shall adopt rules governing procedures under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 2266 as follows:

Page 75, after line 1, insert:

"Sec. 11. Minnesota Statutes 2004, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. [UNABLE TO GO TO POLLING PLACE ELIGIBILITY FOR ABSENTEE

VOTING.] Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct, illness, disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

Sec. 12. Minnesota Statutes 2004, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION PROCEDURES.] Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided in the rules of the secretary of state and shall furnish them to any person on request. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

- (a) (1) the county auditor of the county where the applicant maintains residence; or
- (b) (2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application."

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 27 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Marko	Ranum	Stumpf
Berglin	Higgins	Marty	Rest	Tomassoni
Betzold	Hottinger	Metzen	Saxhaug	Wiger
Chaudhary	Kelley	Moua	Scheid	
Cohen	Kiscaden	Pappas	Skoglund	
Dibble	Lourey	Pogemiller	Solon	

Those who voted in the negative were:

Bachmann	Hann	Langseth	Nienow	Ruud
Belanger	Johnson, D.E.	Larson	Olson	Sams
Day	Johnson, D.J.	LeClair	Ortman	Senjem
Dille	Jungbauer	Limmer	Ourada	Skoe
Fischbach	Kierlin	McGinn	Pariseau	Sparks
Frederickson	Kleis	Michel	Reiter	Vickerman
Gaither	Koering	Murphy	Robling	Wergin
Gerlach	Kubly	Neuville	Rosen	

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

S.F. No. 2266 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 52 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Skoglund
Berglin	Hottinger	Lourey	Pogemiller	Solon
Betzold	Johnson, D.E.	Marko	Ranum	Sparks
Chaudhary	Johnson, D.J.	Marty	Reiter	Stumpf
Cohen	Jungbauer	McGinn	Rest	Tomassoni
Day	Kelley	Metzen	Robling	Vickerman
Dibble	Kiscaden	Michel	Rosen	Wergin
Dille	Kleis	Moua	Sams	Wiger
Fischbach	Koering	Murphy	Saxhaug	
Foley	Kubly	Neuville	Scheid	
Frederickson	Langseth	Nienow	Skoe	

Those who voted in the negative were:

Bachmann	Gerlach	LeClair	Ortman	Ruud
Belanger	Hann	Limmer	Ourada	Senjem
Gaither	Kierlin	Olson	Pariseau	

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

Senator Kiscaden moved that S.F. No. 2266 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, D.E. moved that H.F. No. 1481 be taken from the table. The motion prevailed.

H.F. No. 1481: A bill for an act relating to government operations; appropriating money for the general legislative and administrative expenses of state government; regulating state and local government operations; modifying provisions related to public employment; ratifying certain labor agreements and compensation plans; regulating elections and campaign finance; regulating Minneapolis teacher pensions; modifying provisions related to the military and veterans; providing conforming amendments; amending Minnesota Statutes 2004, sections 3.011; 3.012; 3.02; 10A.01, subdivisions 5, 21, 23, 26; 10A.025, by adding a subdivision; 10A.071, subdivision 3; 10A.08; 10A.20, subdivisions 2, 5, by adding a subdivision; 10A.27, subdivision 1; 10A.28, subdivision 2; 10A.31, subdivisions 1, 3, 4, 5, 6a; 11A.04; 11A.07, subdivisions 4, 5; 11A.24, subdivision 6; 13.635, by adding a subdivision; 14.19; 15.054; 15B.17, subdivision 1; 16A.103, by adding a subdivision; 16A.1286, subdivisions 2, 3; 16A.152, subdivision 2; 16A.1522, subdivision 1; 16A.281; 16B.52, subdivision 1; 16C.10, subdivision 7; 16C.144; 16C.16, subdivision 1, by adding a subdivision; 16C.23, by adding a subdivision; 43A.183; 43A.23, subdivision 1; 123B.63, subdivision 3; 126C.17, subdivision 11; 190.16, by adding a subdivision; 192.19; 192.261, subdivisions 1, 2; 192.501, subdivision 2; 193.29, subdivision 3; 193.30; 193.31; 197.608, subdivision 5; 200.02, subdivisions 7, 23, by adding a subdivision; 201.022, by adding a subdivision; 201.061, subdivision 3; 201.071, subdivision 1; 201.091, subdivision 5; 203B.01, subdivision 3; 203B.02, subdivision 1; 203B.04, subdivisions 1, 4, by adding a subdivision; 203B.07, subdivision 2; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivisions 1, 3; 203B.24, subdivision 1; 204B.10, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivisions 1, 5; 204B.18, subdivision 1; 204B.22, subdivision 3; 204B.27, subdivisions 1, 3; 204B.33; 204C.05, subdivision 1a, by adding a subdivision; 204C.08, subdivision 1; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.50, subdivisions 1, 2; 204D.03, subdivision 1; 204D.14, subdivision 3; 204D.27, subdivision 5; 205.10, subdivision 3; 205.175, subdivision 2; 205A.05, subdivision 1; 205A.09, subdivision 1; 206.56, subdivisions 2, 3, 7, 8, 9, by adding subdivisions; 206.57, subdivisions 1, 5, by adding a subdivision; 206.58, subdivision 1; 206.61, subdivisions 4, 5; 206.64, subdivision 1; 206.80; 206.81; 206.82,

subdivisions 1, 2; 206.83; 206.84, subdivisions 1, 3, 6; 206.85, subdivision 1; 206.90, subdivisions 1, 4, 5, 6, 8, 9; 208.03; 208.04, subdivision 1; 208.05; 208.06; 208.07; 208.08; 211B.01, subdivision 3; 240A.02, subdivision 3; 354A.08; 354A.12, subdivisions 3a, 3b; 358.11; 373.40, subdivision 2; 375.20; 394.25, by adding a subdivision; 447.32, subdivision 4; 458.40; 462.357, by adding a subdivision; 465.82, subdivision 2; 465.84; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 471.345, by adding a subdivision; 471.975; 473.147, by adding a subdivision; 475.521, subdivision 2; 475.58, subdivisions 1, 1a; 475.59; 507.093; 507.24, subdivision 2; Laws 2000, chapter 461, article 4, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 3; 4; 5; 6; 8; 10A; 14; 15; 15B; 16A; 16B; 16C; 43A; 196; 197; 204D; 205; 205A; 206; 298; 354A; 471; 507; proposing coding for new law as Minnesota Statutes, chapter 471B; repealing Minnesota Statutes 2004, sections 16A.151, subdivision 5; 16A.30; 16B.33; 43A.11, subdivision 2; 197.455, subdivision 3; 204B.22, subdivision 2; 204C.05, subdivisions 1a, 1b; 204C.50, subdivision 7; 205.175; 205A.09; 240A.08; 354A.28; Minnesota Rules, parts 4501.0300, subparts 1, 4; 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; 4503.0800, subpart 1.

SUSPENSION OF RULES

Senator Johnson, D.E. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1481 and that the rules of the Senate be so far suspended as to give H.F. No. 1481 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1481 was read the second time.

Senator Kiscaden moved to amend H.F. No. 1481 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1481, and insert the language after the enacting clause, and the title, of S.F. No. 2266, as amended by the Senate April 29, 2005.

The motion prevailed. So the amendment was adopted.

H.F. No. 1481 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 53 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Skoe
Berglin	Hottinger	Lourey	Pariseau	Skoglund
Betzold	Johnson, D.E.	Marko	Pogemiller	Solon
Chaudhary	Johnson, D.J.	Marty	Ranum	Sparks
Cohen	Jungbauer	McGinn	Reiter	Stumpf
Day	Kelley	Metzen	Rest	Tomassoni
Dibble	Kiscaden	Michel	Robling	Vickerman
Dille	Kleis	Moua	Rosen	Wergin
Fischbach	Koering	Murphy	Sams	Wiger
Foley	Kubly	Neuville	Saxhaug	
Frederickson	Langseth	Nienow	Scheid	

Those who voted in the negative were:

Bachmann	Gerlach	LeClair	Ortman	Senjem
Belanger	Hann	Limmer	Ourada	
Gaither	Kierlin	Olson	Ruud	

So the bill, as amended, was passed 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 Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 2273: A bill for an act relating to criminal justice; appropriating money for the courts, public defenders, public safety, corrections, and other criminal justice agencies; establishing, funding, modifying, and regulating public safety, criminal justice, judiciary, law enforcement, corrections, crime victims, and CriMNet policies, programs, duties, activities, or practices; requiring studies and reports; imposing criminal and civil penalties; setting or increasing fines, surcharges, and fees; amending Minnesota Statutes 2004, sections 14.03, subdivision 3; 152.01, subdivision 10; 152.021, subdivisions 2a, 3; 168A.05, subdivision 3; 171.06, by adding a subdivision; 171.20, subdivision 4; 171.26; 237.70, subdivision 7; 241.06; 241.67, subdivisions 7, 8; 243.166; 243.167; 244.04, subdivision 1; 244.05, subdivisions 2, 4, 5, 6, 7; 244.052, subdivisions 3, 4, by adding a subdivision; 244.09, subdivision 11; 244.10, subdivision 2a, by adding a subdivision; 244.18, subdivision 2; 253B.08, subdivision 1; 253B.18, subdivision 5, by adding a subdivision; 260C.171, by adding a subdivision; 299A.38, subdivisions 2, 2a, 3; 299C.65, subdivisions 1, 2, 5, by adding a subdivision; 340A.301, subdivision 6; 340A.302, subdivision 3; 340A.311; 340A.404, subdivision 12; 340A.408, subdivision 4; 340A.414, subdivision 6; 340A.504, subdivisions 3, 7; 357.021, subdivisions 2, 6, 7; 357.18; 403.02, subdivisions 7, 13, 17, by adding a subdivision; 403.025, subdivisions 3, 7; 403.05, subdivision 3; 403.07, subdivision 3; 403.08, subdivision 10; 403.11, subdivisions 1, 3, 3a; 403.113, subdivision 1; 403.27, subdivisions 1, 3; 403.30, subdivision 1; 505.08, subdivision 2; 508.82; 508A.82; 515B.1-116; 518B.01, subdivision 22; 604.15, subdivision 2, by adding a subdivision; 609.108, subdivisions 1, 3, 4, 6; 609.109, subdivisions 2, 5; 609.1095, subdivision 1; 609.115, by adding a subdivision; 609.117, subdivisions 1, 2; 609.119; 609.1351; 609.185; 609.223, by adding a subdivision; 609.2231, by adding a subdivision; 609.229, subdivision 3; 609.321, subdivisions 1, 7, by adding subdivisions; 609.325, by adding a subdivision; 609.341, subdivision 14, by adding a subdivision; 609.342, subdivisions 2, 3; 609.343, subdivisions 2, 3; 609.344, subdivisions 2, 3; 609.345, subdivisions 2, 3; 609.3452, subdivision 1; 609.347; 609.3471; 609.348; 609.353; 609.485, subdivisions 2, 4; 609.50, subdivision 1; 609.527, subdivisions 1, 3, 4, 6, by adding a subdivision; 609.531, subdivision 1; 609.5315, subdivision 1, by adding a subdivision; 609.746, subdivision 1; 609.748, subdivisions 2, 3a; 609.749, subdivision 2; 609.79, subdivision 2; 609.795, by adding a subdivision; 617.81, subdivision 4, by adding a subdivision; 617.85; 626.556, subdivision 3; 628.26; 631.045; proposing coding for new law in Minnesota Statutes, chapters 152; 237; 243; 244; 299A; 299C; 325F; 357; 403; 609; repealing Minnesota Statutes 2004, sections 18C.005, subdivisions 1a, 35a; 18C.201, subdivisions 6, 7; 18D.331, subdivision 5; 243.166, subdivisions 1, 8; 299A.68; 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, 9; 386.30; 403.30, subdivision 3; 609.108, subdivision 2; 609.109, subdivision 7; 609.725.

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

Page 2, delete line 37 and insert:

"GENERAL	\$46,268,000	\$52,239,000	\$98,507,000"
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Page 2, delete line 42 and insert:

"TOTAL	\$126,536,000	\$70,327,000	\$196,863,000"
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Page 4, delete lines 1 and 2 and insert:

"Subdivision 1. Total Appropriation	90,418,000	28,285,000"
Page 4, delete line 4 and insert:		
"General	10,150,000	10,197,000"
Page 4, delete lines 9 and 10 and insert:		
"[AGENCYWIDE ADMINISTRATIVE CUT.]	(270,000)	(270,000)"
Page 5, delete lines 3 to 5 and insert:		
"Subd. 3. Fire Marshal	600,000	600,000
Subd. 4. Office of Justice Programs	6,244,000	6,244,000"
Page 5, delete line 7 and insert:		
"General	4,844,000	4,844,000"
Page 5, line 16, delete "\$2,131,000" and insert "\$1,000,000"		
Page 8, delete lines 1 and 2 and insert:		
"Sec. 8. BOARD OF PEACE OFFICER STANDARDS AND TRAINING	211,000	71,000"
Page 8, delete lines 5 to 8		
Page 8, line 9, delete "each" and insert "the first"		
Page 8, delete lines 15 and 16 and insert:		
"Subdivision 1. Total Appropriation	14,785,000	14,788,000"
Page 8, delete lines 21 and 22 and insert:		
"Subd. 2. Correctional Institutions	6,534,000	6,537,000"
Page 8, delete lines 36 and 37 and insert:		
"[HEALTH SERVICES.] \$3,016,000 the first year and \$3,015,000 the second year are for health services."		
Page 8, line 39, delete "\$351,000" and insert "\$1,373,000" and delete "\$1,863,000" and insert "\$1,377,000"		
Page 8, line 44, delete "\$4,500,000" and insert "\$1,500,000"		
Page 8, delete lines 46 to 48		
Page 9, delete line 22 and insert:		
"Subd. 3. Community Services	8,651,000	8,651,000"
Page 9, line 57, delete "ADULT"		
Page 9, line 60, delete "\$19,093,000" and insert "\$2,000,000"		
Page 9, line 61, delete "adult"		

Page 10, delete lines 6 to 33 and insert:

"The commissioner shall distribute the funds according to the formula contained in Minnesota Statutes, section 401.10. Each Community Corrections Act jurisdiction, counties providing probation services under the authority of Minnesota Statutes, section 244.19, and the department's probation and supervised release unit shall submit to the commissioner an analysis of need along with a plan to meet these needs and reduce offender caseloads. Upon approval of the plans for Community Corrections Act counties, the commissioner shall distribute the non-Community Corrections Act allocation based on statewide need. The Community Corrections Act allocation must be disbursed as a grant to each Community Corrections Act jurisdiction. These grants may not be used to supplant existing state or county probation officer positions."

Page 10, line 35, delete "\$2,500,000" and insert "\$1,000,000"

Page 10, line 47, delete everything after the period

Page 10, delete lines 48 to 52

Page 11, delete line 35 and insert:

"Subd. 4. Operations Support	(400,000)	(400,000)"
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Page 104, delete section 7

Page 107, after line 18, insert:

"Subd. 7. [NOTICE.] Upon receiving an offender's petition for release under subdivision 2, the commissioner shall notify the prosecuting authority responsible for the offender's conviction and the sentencing court. The commissioner shall give the authority and court a reasonable opportunity to comment on the offender's potential release."

Page 170, line 32, delete everything after the first period

Page 188, line 6, delete "\$71" and insert "\$72"

Page 188, line 9, strike "\$3" and insert "\$4"

Renumber the sections in sequence

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

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 527: A bill for an act relating to local government; authorizing electric or utility special assessments exceeding standards on petition of all affected owners; amending Minnesota Statutes 2004, section 429.021, subdivision 1.

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

Page 3, delete lines 14 to 20 and insert:

"(20) To assess affected property owners for all or a portion of the costs agreed to with an electric utility, telecommunications carrier, or cable system operator to bury or alter a new or existing distribution system within the public right-of-way that exceeds the utility's design and construction standards, or those set by law, tariff, or franchise, but only upon petition under section 429.031, subdivision 3."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2273 and 527 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Rest moved that S.F. No. 895 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes. The motion prevailed.

MEMBERS EXCUSED

Senator Bakk was excused from the Session of today. Senator Ourada was excused from the Session of today from 3:00 to 3:15 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 1:00 p.m., Monday, May 2, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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