

EIGHTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, March 5, 2008

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Monsignor James D. Habiger.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 5, 2008

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on Agriculture and Veterans, to which were referred the following appointments as reported in the Journal for March 7, 2007:

BOARD OF ANIMAL HEALTH

Steven Brake
Paul FitzSimmons

Sincerely,
Patrick E. Flahaven
Secretary of the Senate

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 457: A bill for an act relating to elections; providing for establishment of single-member school board election districts in Independent School District No. 271, Bloomington.

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

Page 2, line 9, after the period, insert "The redistricting plan is effective for school district elections in 2013 and thereafter."

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

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

S.F. No. 2211: A bill for an act relating to elections; establishing districting principles for legislative and congressional plans; providing for appointment of a commission to recommend the boundaries of legislative and congressional districts; limiting redistricting to once per decade; amending Minnesota Statutes 2006, section 2.021; proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 2006, section 2.031.

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

Page 1, line 16, delete "eight districts" and insert "the number of districts apportioned to this state by the United States"

Page 1, delete subdivisions 2 and 3 and insert:

"Subd. 2. **Nesting.** A representative district may not be divided in the formation of a senate district.

Subd. 3. **Equal population.** (a) Legislative districts must be substantially equal in population. The population of a legislative district must not deviate from the ideal by more than two percent,

plus or minus.

(b) Congressional districts must be as nearly equal in population as practicable.

Subd. 4. **Contiguity; compactness.** The districts must be composed of convenient contiguous territory structured into compact units. Contiguity by water is sufficient. Territory that touches only at a point is not contiguous, unless the territory is within the same city or town.

Subd. 5. **Numbering.** (a) The legislative districts must be numbered in a regular series, beginning with house district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the seven-county metropolitan area until the southeast corner has been reached; then to the seven-county metropolitan area outside the counties of Hennepin and Ramsey; then in Hennepin and finally in Ramsey.

(b) The congressional district numbers must begin with district one in the southeast corner of the state and end with the district with the highest number in the northeast corner of the state.

Subd. 6. **Minority representation.** The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority makes it possible and it can be done in compliance with the other principles in this resolution, the districts must increase the probability that members of the minority will be elected.

Subd. 7. **Preserving political subdivisions.** A county, city, or town must not be divided into more than one district except as necessary to meet equal population requirements or to form districts that are composed of convenient, contiguous, and compact territory. When a county, city, or town must be divided into more than one district, it should be divided into as few districts as possible.

Subd. 8. **Communities of interest.** The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding principles. For purposes of this principle, "communities of interest" include, but are not limited to, geographic areas where there are clearly recognizable similarities of social, political, cultural, ethnic, or economic interests, or that are linked by common transportation or communication.

Subd. 9. **Political competitiveness.** The districts must be created to encourage political competitiveness, as defined by the commission established under section 2.025.

Subd. 10. **Incumbents.** The districts must not be drawn for the purpose of protecting or defeating an incumbent.

Subd. 11. **Priority.** Where it is not possible to fully comply with the principles provided in subdivisions 1 to 10, a redistricting plan must give priority to those principles in the order in which the subdivisions are listed in this section, except to the extent that doing so would violate federal or state law."

Page 2, delete subdivision 1 and insert:

"Subdivision 1. **Appointment.** By March 1 of each year ending in one, the leaders of the legislature shall appoint a redistricting commission as provided in this subdivision to draw the boundaries of legislative and congressional districts in accordance with the principles established in section 2.021. The commission consists of five retired judges of the appellate or district courts of this state who have not served in a party designated or party endorsed position, such as legislator.

The majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house shall each appoint one judge, after consulting with each other in an effort to attain geographic balance in their appointments. If an appointing authority fails to make an appointment by the deadline, the vacancy must be filled by appointment by the chief justice of the supreme court no later than March 8 of that year. The four judges thus appointed shall, by a vote of at least three judges, choose the fifth judge. The five judges shall select one of their number to serve as chair of the commission."

Page 2, after line 16, insert:

"Subd. 5. **Plans submitted to commission.** The commission shall adopt a schedule for interested persons to submit proposed plans to the commission and to respond to plans proposed by others. The commission shall adopt standards to govern the format of plans submitted to it.

Subd. 6. **Public hearings.** The commission shall hold at least three public hearings in different geographical regions of the state before adopting a redistricting plan."

Page 2, line 17, delete "Subd. 5." and insert "Subd. 7."

Page 2, line 21, after the period, insert "If the commission fails to submit a plan by either of these two deadlines, the legislature may proceed to adopt a plan in place of the missing plan without waiting for the commission to submit a plan."

Page 2, delete lines 24 to 28

Page 2, line 29, delete "Subd. 7." and insert "Subd. 8."

Page 2, line 30, delete "and declared valid by the"

Page 2, line 31, delete "Supreme Court,"

Page 2, delete section 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "limiting redistricting to"

Page 1, line 5, delete "once per decade;"

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

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

S.F. No. 2800: A bill for an act relating to environment; providing for plastic bag recycling; providing civil penalties; authorizing rulemaking; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

Page 3, line 4, delete everything after the first period

Page 3, delete subdivision 4

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

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

S.F. No. 2943: A bill for an act relating to natural resources; providing a process for designating star lakes or rivers; creating a Star Lake Board as a nonprofit corporation; allowing for the placement of star lake or river signs on highways; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 103B; 173.

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

Page 4, line 35, after "may" insert "request the Department of Transportation to" and delete everything after "signs" and insert "pursuant to section 161.139"

Page 5, line 1, delete everything before the period

Page 5, line 2, before "lake" insert "a" and delete "access areas"

Page 5, line 3, after "passes" insert "over a lake or river in the Department of Transportation's eight-county metropolitan district or" and delete "the" and insert "a" and before the period, insert "in greater Minnesota"

Page 5, line 5, delete everything after "sign" and insert "by the Department of Transportation pursuant to section 161.139"

Page 5, line 6, delete everything before the period

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

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

S.F. No. 3056: A bill for an act relating to natural resources; providing for disposition of proceeds from sale of administrative sites; appropriating money; amending Minnesota Statutes 2006, sections 84.0857; 94.16, subdivision 3.

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

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

S.F. No. 2653: A bill for an act relating to education; establishing a conflict of interest exception for certain school contracts for professional and other services; amending Minnesota Statutes 2006, section 471.88, subdivision 5.

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

Page 1, line 14, after "of" insert "the disinterested"

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

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

S.F. No. 2754: A bill for an act relating to education; amending school background check requirements; amending Minnesota Statutes 2006, section 123B.03, subdivision 3, by adding a subdivision.

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

Page 2, line 1, delete "Prior to" and insert "Before"

Page 2, after line 2, insert:

"(1) provide the state compact officer a copy of the proposed contract;"

Page 2, line 3, delete "(1)" and insert "(2)"

Page 2, line 4, after the semicolon, insert "and"

Page 2, delete line 5

Page 2, line 8, after "shall" insert "comply with section 13.05, subdivision 11, and"

Page 2, line 9, delete "a" and insert "the"

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

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

S.F. No. 3250: A bill for an act relating to education finance; expanding Minnesota's public education mission to include a framework to guide future education policy decisions; amending Minnesota Statutes 2006, section 120A.03.

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

Page 2, delete lines 14 to 35

Page 3, delete lines 1 and 2 and insert:

"(1) in the area of early childhood education, ensure that investment in educational success starts early;

(2) in the area of educator quality, ensure that great teachers and principals are recruited, prepared, supported, and retained;

(3) in the area of academic rigor, ensure all roads are rigorous, and all lead to higher education;

(4) in the area of family and community involvement, ensure families and communities are full

partners in education;

(5) ensure that all cultures are included and supported, and connections are made across local and global cultural divides;

(6) in the area of data and research, ensure that educators use data and research to improve teaching and learning every day;

(7) ensure schools are provided with funding that is predictable and sufficient to produce world class performance;

(8) ensure schedules and calendars are designed to help all students reach high standards;

(9) in the area of special education, ensure services for students with disabilities are proactive, effective, efficient, and adequately funded; and

(10) in the area of health and wellness, encourage parents and other stakeholders to ensure that students come to school physically and mentally ready to learn."

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

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

S.F. No. 3122: A bill for an act relating to health; changing provisions for health professional educational loan forgiveness program; expanding access to dental care services; amending Minnesota Statutes 2006, sections 144.1501, subdivisions 1, 2, by adding subdivisions; 256B.037, subdivisions 1, 1b, 4, by adding subdivisions; repealing Minnesota Statutes 2006, section 256B.037, subdivisions 1a, 1c, 2, 5, 6.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 144.1501, subdivision 2, is amended to read:

Subd. 2. **Creation of account.** (a) A health professional education loan forgiveness program account is established.

(b) The commissioner of health shall use money from the account to establish a loan forgiveness program:

(1) for medical residents agreeing to practice in designated rural areas or underserved urban communities or specializing in the area of pediatric psychiatry;

(2) for midlevel practitioners agreeing to practice in designated rural areas or to teach for at least 20 hours per week in the nursing field in a postsecondary program;

(3) for nurses who agree to practice in a Minnesota nursing home or intermediate care facility for persons with developmental disability or to teach for at least 20 hours per week in the nursing field in a postsecondary program;

(4) for other health care technicians agreeing to teach for at least 20 hours per week in their designated field in a postsecondary program. The commissioner, in consultation with the Healthcare Education-Industry Partnership, shall determine the health care fields where the need is the greatest, including, but not limited to, respiratory therapy, clinical laboratory technology, radiologic technology, and surgical technology; and

(5) for pharmacists who agree to practice in designated rural areas; ~~and~~.

(c) The commissioner shall use money from the account allocated for dental loan forgiveness:

~~(6)~~ (1) for dentists agreeing who: (i) agree to deliver at least 25 20 percent of the dentist's yearly patient encounters to state public program enrollees or patients receiving sliding fee schedule discounts through a formal sliding fee schedule meeting the standards established by the United States Department of Health and Human Services under Code of Federal Regulations, title 42, section 51, chapter 303, or (ii) have been trained in a foreign country, received a dental license from the Board of Dentistry, and who agree to provide services for a nonprofit organization, community clinic, or federally qualified health clinic in Minnesota for a period of at least three years; and

(2) for the dental school scholarship program under subdivision 7.

~~(b)~~(d) Appropriations made to the account do not cancel and are available until expended, except that at the end of each biennium, any remaining balance in the account that is not committed by contract and not needed to fulfill existing commitments shall cancel to the fund.

Sec. 2. Minnesota Statutes 2006, section 144.1501, is amended by adding a subdivision to read:

Subd. 7. **Dental school student scholarship program.** The commissioner may award up to three scholarships each year to:

(1) foreign-trained dental students who enroll in the Program for Advanced Standing Students at the University of Minnesota School of Dentistry and who agree upon graduation from the program and upon licensure by the Board of Dentistry to provide dental services in Minnesota for a nonprofit organization, community clinic, or federally qualified community health center for a period of at least three years; or

(2) current dental school students who agree after graduation to provide dental services in Minnesota for a nonprofit organization, community clinic, or federally qualified community health center for a period of at least three years.

Scholarships awarded under the program must be at least \$30,000 each year that the graduates provide care under the scholarship agreement.

Sec. 3. Minnesota Statutes 2006, section 256B.037, is amended by adding a subdivision to read:

Subd. 5d. **Advisory committee.** Prior to awarding a contract to a dental plan administrator, the commissioner of human services shall convene an advisory committee to review the development of dental plan administration and requests for proposals. The advisory committee shall consist of dental providers, nonprofit clinics, patients' advocates, and other interested parties as determined by the commissioner. Advisory committee members shall serve on a voluntary basis and shall not be paid per diem.

Sec. 4. Minnesota Statutes 2007 Supplement, section 256B.0625, subdivision 49, is amended to

read:

Subd. 49. **Community health worker.** (a) Medical assistance covers the care coordination and patient education services provided by a community health worker if the community health worker has:

(1) received a certificate from the Minnesota State Colleges and Universities System approved community health worker curriculum; ~~or~~

(2) at least five years of supervised experience with an enrolled physician, ~~registered nurse,~~ or advanced practice registered nurse; or

(3) at least five years of supervised experience by a certified public health nurse operating under the direct authority of an enrolled unit of government.

Community health workers eligible for payment under clause (2) or (3) must complete the certification program by January 1, 2010, to continue to be eligible for payment.

(b) Community health workers must work under the supervision of a medical assistance enrolled physician, ~~registered nurse,~~ or advanced practice registered nurse, dentist, or a certified public health nurse operating under the direct authority of an enrolled unit of government.

(c) Care coordination and patient education services covered under this subdivision include, but are not limited to, services relating to oral health and dental care.

Sec. 5. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the references in clauses (1) to (4) as follows:

(1) In Minnesota Statutes, section 144.608, subdivision 1, change "144.1501, subdivision 1, paragraph (b)," to "144.1501, subdivision 1, paragraph (c);"

(2) In Minnesota Statutes, section 144.608, subdivision 1, change "144.1501, subdivision 1, paragraph (h)," to "144.1501, subdivision 1, paragraph (i);" and

(3) In Minnesota Statutes, section 144.608, subdivision 1, change "144.1501, subdivision 1, paragraph (j)," to "144.1501, subdivision 1, paragraph (l)."

Sec. 6. **REPEALER.**

Minnesota Statutes 2006, section 256B.037, subdivisions 1a, 1c, 2, 5, and 6, and Laws 2003, First Special Session chapter 5, section 11, are repealed."

Amend the title numbers accordingly

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

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

S.F. No. 2895: A bill for an act relating to health occupations; establishing an advanced dental hygiene practitioner level of practice; amending Minnesota Statutes 2006, sections 150A.01, by

adding a subdivision; 150A.05, subdivisions 1, 2, by adding a subdivision; 150A.10, subdivisions 1, 1a, 2, 4, by adding a subdivision; 151.01, subdivision 23; Minnesota Statutes 2007 Supplement, section 151.37, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 150A.

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

Page 2, line 26, after "plans" insert ", in collaboration with the patient,"

Page 2, line 27, delete "in collaboration with the patient" and insert "within the context of the collaborative management agreement"

Page 4, line 2, delete everything after "from" and insert "a program that meets the requirements in subdivision 4."

Page 4, line 3, delete everything before "The"

Page 4, line 4, delete everything after "include"

Page 4, line 5, delete everything before the comma

Page 4, line 13, after "with" insert "and approved by" and delete "may" and insert "must"

Page 4, line 22, before "collaborative" insert "written" and delete "licensed dentist" and insert "dentist licensed under this chapter and who practices in Minnesota"

Page 4, line 28, after "patient" insert "care"

Page 5, after line 5, insert:

"(d) A collaborating dentist may enter into a collaborative management agreement with no more than four advanced dental hygiene practitioners, unless otherwise authorized by the board. The board shall develop parameters and a process for obtaining authorization to collaborate with more than four advanced dental hygiene practitioners."

Page 5, after line 11, insert:

"Subd. 4. **Program accreditation.** In order to offer a master's degree in advanced dental hygiene practice, a Minnesota public university must meet the following conditions:

(1) be institutionally accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools;

(2) be affiliated with or in partnership with a dental hygiene program accredited by the Commission on Dental Accreditation; and

(3) pursue national programmatic accreditation when it becomes available.

Sec. 6. Minnesota Statutes 2006, section 150A.08, is amended by adding a subdivision to read:

Subd. 10. **Professional liability insurance.** In addition to the grounds provided in subdivision 1, and notwithstanding subdivision 3, the board may not issue or renew a license to practice dentistry or dental hygiene for advanced dental hygiene practice unless the applicant or licensee provides evidence to the board of applicable professional liability insurance."

Page 8, line 4, before "under" insert "within the scope provided in the collaborative management agreement"

Page 8, line 19, after the semicolon, insert "and"

Page 8, line 20, delete "and"

Page 8, delete line 21

Page 8, line 28, delete ", space maintenance,"

Page 8, line 29, delete "temporary"

Amend the title numbers accordingly

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

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

S.F. No. 3322: A bill for an act relating to human services; improving management of state health care programs; modifying managed care contracting; limiting managed care administrative expenses; modifying county-based purchasing; requiring mandated reports; amending Minnesota Statutes 2006, sections 13.461, by adding a subdivision; 256B.69, subdivision 5a, by adding subdivisions; 256B.692, subdivision 2, by adding subdivisions; 256L.12, subdivision 9; Laws 2005, First Special Session chapter 4, article 8, section 84, as amended.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 13.461, is amended by adding a subdivision to read:

Subd. 24a. **Managed care plans.** Data provided to the commissioner of human services by managed care plans relating to contracts and provider payment rates are classified under section 256B.69, subdivision 9b.

Sec. 2. Minnesota Statutes 2006, section 256B.69, subdivision 5a, is amended to read:

Subd. 5a. **Managed care contracts.** (a) Managed care contracts under this section and sections 256L.12 and 256D.03, shall be entered into or renewed on a calendar year basis beginning January 1, 1996. Managed care contracts which were in effect on June 30, 1995, and set to renew on July 1, 1995, shall be renewed for the period July 1, 1995 through December 31, 1995 at the same terms that were in effect on June 30, 1995. The commissioner may issue separate contracts with requirements specific to services to medical assistance recipients age 65 and older.

(b) A prepaid health plan providing covered health services for eligible persons pursuant to chapters 256B, 256D, and 256L, is responsible for complying with the terms of its contract with the commissioner. Requirements applicable to managed care programs under chapters 256B, 256D, and 256L, established after the effective date of a contract with the commissioner take effect when

the contract is next issued or renewed.

(c) Effective for services rendered on or after January 1, 2003, the commissioner shall withhold five percent of managed care plan payments under this section for the prepaid medical assistance and general assistance medical care programs pending completion of performance targets. Each performance target must be quantifiable, objective, measurable, and reasonably attainable, except in the case of a performance target based on a federal or state law or rule. Criteria for assessment of each performance target must be outlined in writing prior to the contract effective date. The managed care plan must demonstrate, to the commissioner's satisfaction, that the data submitted regarding attainment of the performance target is accurate. The commissioner shall periodically change the administrative measures used as performance targets in order to improve plan performance across a broader range of administrative services. The performance targets must include measurement of plan efforts to contain spending on health care services and administrative activities. The commissioner may adopt plan-specific performance targets that take into account factors affecting only one plan, including characteristics of the plan's enrollee population. The withheld funds must be returned no sooner than July of the following year if performance targets in the contract are achieved. The commissioner may exclude special demonstration projects under subdivision 23. A managed care plan or a county-based purchasing plan under section 256B.692 may include as admitted assets under section 62D.044 any amount withheld under this paragraph that is reasonably expected to be returned.

Sec. 3. Minnesota Statutes 2006, section 256B.69, is amended by adding a subdivision to read:

Subd. 5i. **Administrative expenses.** (a) Managed care plan and county-based purchasing plan administrative costs for a prepaid health plan provided under this section or section 256B.692 must not exceed by more than five percent that prepaid health plan's or county-based purchasing plan's actual calculated administrative spending for the previous calendar year as a percentage of total revenue. The penalty for exceeding this limit must be the amount of administrative spending in excess of 105 percent of the actual calculated amount. The commissioner may waive this penalty if the excess administrative spending is the result of unexpected shifts in enrollment or member needs or new program requirements.

(b) Capitated rate payments for administrative costs must be reduced to exclude onetime or sporadic expenditures in the prior year unless the managed care plan certifies that the expenditure will recur during the contract year. The commissioner shall verify these certifications on an annual basis and recoup any payments made for onetime or sporadic expenditures that did not occur in the prior year.

(c) Expenses listed under section 62D.12, subdivision 9a, clause (4), are not allowable administrative expenses for rate-setting purposes under this section, unless approved by the commissioner.

Sec. 4. Minnesota Statutes 2006, section 256B.69, is amended by adding a subdivision to read:

Subd. 5j. **Treatment of investment earnings.** Capitation rates shall treat investment income and interest earnings as income to the same extent that investment-related expenses are treated as administrative expenditures.

Sec. 5. Minnesota Statutes 2006, section 256B.69, is amended by adding a subdivision to read:

Subd. 9a. **Administrative expense reporting.** Each managed care plan and county-based purchasing plan must provide to the commissioner detailed information on administrative spending, including:

- (1) itemized lists of costs for claims processing and provider network management;
- (2) detailed reports of costs for contracts with providers and third-party administrators;
- (3) a detailed analysis of administrative spending for each Minnesota health care program;
- (4) a detailed analysis of the provider's allocation of administrative expenses among its public and commercial lines of business;
- (5) a detailed analysis of administrative costs by service category; and
- (6) a detailed analysis of onetime and sporadic expenditures included in the administrative spending category.

Sec. 6. Minnesota Statutes 2006, section 256B.69, is amended by adding a subdivision to read:

Subd. 9b. **Reporting of subcontracts and provider payment rates.** (a) Each managed care plan and county-based purchasing plan must provide to the commissioner:

- (1) detailed information on contracts with health care providers; and
- (2) detailed information on reimbursement rates paid by the managed care plan to providers under contract with the plan.

(b) Data provided to the commissioner under this subdivision are nonpublic data as defined in section 13.02.

Sec. 7. Minnesota Statutes 2006, section 256B.692, subdivision 2, is amended to read:

Subd. 2. **Duties of commissioner of health.** (a) Notwithstanding chapters 62D and 62N, a county that elects to purchase medical assistance and general assistance medical care in return for a fixed sum without regard to the frequency or extent of services furnished to any particular enrollee is not required to obtain a certificate of authority under chapter 62D or 62N. The county board of commissioners is the governing body of a county-based purchasing program. In a multicounty arrangement, the governing body is a joint powers board established under section 471.59.

(b) A county that elects to purchase medical assistance and general assistance medical care services under this section must satisfy the commissioner of health that the requirements for assurance of consumer protection, provider protection, and, effective January 1, 2010, fiscal solvency of chapter 62D, applicable to health maintenance organizations, ~~or chapter 62N, applicable to community integrated service networks,~~ will be met. according to the following schedule:

(1) for a county-based purchasing plan approved on or before June 30, 2008, the plan must have in reserve:

- (i) at least 50 percent of the minimum amount required under chapter 62D as of January 1, 2010;
- (ii) at least 75 percent of the minimum amount required under chapter 62D as of January 1, 2011;

(iii) at least 87.5 percent of the minimum amount required under chapter 62D as of January 1, 2012; and

(iv) at least 100 percent of the minimum amount required under chapter 62D as of January 1, 2013; and

(2) for a county-based purchasing plan first approved after June 30, 2008, the plan must have in reserve:

(i) at least 50 percent of the minimum amount required under chapter 62D at the time the plan begins enrolling enrollees;

(ii) at least 75 percent of the minimum amount required under chapter 62D after the first full calendar year;

(iii) at least 87.5 percent of the minimum amount required under chapter 62D after the second full calendar year; and

(iv) at least 100 percent of the minimum amount required under chapter 62D after the third full calendar year.

(c) Until a plan is required to have reserves equaling at least 100 percent of the minimum amount required under chapter 62D, the plan may demonstrate its ability to cover any losses by satisfying the requirements of chapter 62N. A ~~county~~ county-based purchasing plan must also assure the commissioner of health that the requirements of sections 62J.041; 62J.48; 62J.71 to 62J.73; 62M.01 to 62M.16; all applicable provisions of chapter 62Q, including sections 62Q.075; 62Q.1055; 62Q.106; 62Q.12; 62Q.135; 62Q.14; 62Q.145; 62Q.19; 62Q.23, paragraph (c); 62Q.43; 62Q.47; 62Q.50; 62Q.52 to 62Q.56; 62Q.58; 62Q.68 to 62Q.72; and 72A.201 will be met.

(d) All enforcement and rulemaking powers available under chapters 62D, 62J, 62M, 62N, and 62Q are hereby granted to the commissioner of health with respect to counties that purchase medical assistance and general assistance medical care services under this section.

(e) The commissioner, in consultation with county government, shall develop administrative and financial reporting requirements for county-based purchasing programs relating to sections 62D.041, 62D.042, 62D.045, 62D.08, 62N.28, 62N.29, and 62N.31, and other sections as necessary, that are specific to county administrative, accounting, and reporting systems and consistent with other statutory requirements of counties.

Sec. 8. Minnesota Statutes 2006, section 256B.692, is amended by adding a subdivision to read:

Subd. 4a. **Expenditure of revenues.** (a) A county that has elected to participate in a county-based purchasing plan under this section shall use any excess revenues over expenses that are received by the county and are not needed for capital reserves under subdivision 2, or to repay county investments or contributions to the county-based purchasing plan, for prevention, early intervention, and health care programs, services, or activities.

(b) A county-based purchasing plan under this section is subject to the unreasonable expense provisions of section 62D.19.

Sec. 9. Minnesota Statutes 2006, section 256L.12, subdivision 9, is amended to read:

Subd. 9. **Rate setting; performance withholds.** (a) Rates will be prospective, per capita, where possible. The commissioner may allow health plans to arrange for inpatient hospital services on a risk or nonrisk basis. The commissioner shall consult with an independent actuary to determine appropriate rates.

(b) For services rendered on or after January 1, 2003, to December 31, 2003, the commissioner shall withhold .5 percent of managed care plan payments under this section pending completion of performance targets. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year if performance targets in the contract are achieved. A managed care plan may include as admitted assets under section 62D.044 any amount withheld under this paragraph that is reasonably expected to be returned.

(c) For services rendered on or after January 1, 2004, the commissioner shall withhold five percent of managed care plan payments under this section pending completion of performance targets. Each performance target must be quantifiable, objective, measurable, and reasonably attainable, except in the case of a performance target based on a federal or state law or rule. Criteria for assessment of each performance target must be outlined in writing prior to the contract effective date. The managed care plan must demonstrate, to the commissioner's satisfaction, that the data submitted regarding attainment of the performance target is accurate. The commissioner shall periodically change the administrative measures used as performance targets in order to improve plan performance across a broader range of administrative services. The performance targets must include measurement of plan efforts to contain spending on health care services and administrative activities. The commissioner may adopt plan-specific performance targets that take into account factors affecting only one plan, such as characteristics of the plan's enrollee population. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following calendar year if performance targets in the contract are achieved. A managed care plan or a county-based purchasing plan under section 256B.692 may include as admitted assets under section 62D.044 any amount withheld under this paragraph that is reasonably expected to be returned.

Sec. 10. Laws 2005, First Special Session chapter 4, article 8, section 84, as amended by Laws 2006, chapter 264, section 15, is amended to read:

Sec. 84. SOLE-SOURCE OR SINGLE-PLAN MANAGED CARE CONTRACT.

(a) Notwithstanding Minnesota Statutes, section 256B.692, subdivision 6, clause (1), paragraph (c), the commissioner of human services shall approve a county-based purchasing health plan proposal, submitted on behalf of Cass, Crow Wing, Morrison, Todd, and Wadena Counties, that requires county-based purchasing on a single-plan basis contract if the implementation of the single-plan purchasing proposal does not limit an enrollee's provider choice or access to services and all other requirements applicable to health plan purchasing are satisfied. The commissioner shall continue until January 1, 2010, single health plan purchasing arrangements with county-based purchasing entities in the service areas in existence on May 1, 2006, including arrangements for which a proposal was submitted by May 1, 2006, on behalf of Cass, Crow Wing, Morrison, Todd, and Wadena Counties, in response to a request for proposals issued by the commissioner. The commissioner shall reopen all counties for competitive reprocurement every five years, beginning in 2011.

(b) The commissioner shall consider, and may approve, contracting on a single-health plan basis

with county-based purchasing plans, or with other qualified health plans that have coordination arrangements with counties, to serve persons with a disability who voluntarily enroll, in order to promote better coordination or integration of health care services, social services and other community-based services, provided that all requirements applicable to health plan purchasing, including those in Minnesota Statutes, section 256B.69, subdivision 23, are satisfied. ~~By January 15, 2007, the commissioner shall report to the chairs of the appropriate legislative committees in the house and senate an analysis of the advantages and disadvantages of using single health plan purchasing to serve persons with a disability who are eligible for health care programs. The report shall include consideration of the impact of federal health care programs and policies for persons who are eligible for both federal and state health care programs and shall consider strategies to improve coordination between federal and state health care programs for those persons.~~

Sec. 11. REPORT ON FINANCIAL MANAGEMENT OF HEALTH CARE PROGRAMS.

The commissioner of human services shall report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, with the following information regarding financial management of health care programs:

(1) a status report on implementation of the cost containment strategies identified in the 2005 "Strategies for Savings" report. The report must include:

- (i) information on progress made towards implementation of cost-saving strategies;
- (ii) an explanation of why certain strategies were not implemented; and
- (iii) where appropriate, alternative strategies to those recommended in 2005 for containing public health care program costs;

(2) a description of and, to the extent possible, an explanation of recent differences between the health plan net revenue targets established by the commissioner for health plans participating in public health care programs and the actual net revenue realized by the plans from public programs;

(3) the adequacy of public health care program for fee-for-service rates, including an identification of service areas or geographical regions where enrollees have difficulty accessing providers as the result of inadequate provider payments. This report must include recommendations to increase rates as needed to eliminate identified access problems; and

(4) a progress report on implementation of Minnesota Statutes, section 256B.76, paragraph (e), requiring payments for physician and professional services to be based on Medicare relative value units, and an estimated completion date for implementation of this payment system.

Sec. 12. HEALTH PLAN AND COUNTY-BASED PURCHASING PLAN REQUIREMENTS.

(a) The commissioner of health shall develop and report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, guidelines to ensure that health plans, and county-based purchasing plans where applicable, have consistent procedures for allocating administrative expenses and investment income across their commercial and public lines of business and across individual public programs. The guidelines shall be consistent with generally accepted accounting principles and principles from the National Association of Insurance Commissioners. The guidelines shall not have the effect of changing allocation for Medicare-related programs as

permitted by federal law and the Centers for Medicare and Medicaid Services.

(b) The commissioner of health, in cooperation with the commissioners of commerce and human services, shall develop and report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, detailed standards and procedures for examining the reasonableness of health plan and county-based purchasing plan administrative expenditures for publicly funded programs. These standards and procedures must include a process for detailed examinations of individual programs and functional areas.

(c) The commissioner of health shall develop and report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, a more efficient method for a health plan, and a county-based purchasing plan where appropriate, to demonstrate to the commissioner that providers in the plan's network have appropriate credentials. The commissioner shall review issues regarding:

- (1) the duplicate review of credentials at a health care provider by multiple health plans;
- (2) the review of the credentials of all staff of a health care provider when only limited staff will be in the plan network; and
- (3) other duplicative credentialing issues.

Sec. 13. OMBUDSMAN FOR MANAGED CARE STUDY.

The commissioner of human services, in cooperation with the ombudsman for managed care, shall study and report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, with recommendations on whether the duties of the ombudsman should be expanded to include advocating on behalf of public health care program fee-for-service enrollees. The report must include:

- (1) a comparison of the recourse available to managed care clients versus fee-for-service clients when service problems occur; and
- (2) an estimate of any net cost increase from this change in the ombudsman's duties, taking into account any reduction in the commissioner's duties.

Sec. 14. REPORTING MANAGED CARE PERFORMANCE DATA.

The commissioner of human services, in cooperation with the commissioner of health, shall report to the legislature under Minnesota Statutes, section 3.195, by January 15, 2009, with recommendations on the adoption of a single method to compute and publicly report managed health care performance measures in order to avoid confusion about the plans' performance levels. The study must include recommendations regarding coordinated use by the two agencies of the following data sources:

- (1) Healthcare Effectiveness Data and Information Set (HEDIS) from managed care organizations;
- (2) data that health plans submit to claim reimbursement for health care procedures; and
- (3) data collected from medical record reviews of randomly selected individuals."

Amend the title numbers accordingly

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

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

S.F. No. 3181: A bill for an act relating to human services; revising requirements for county-based purchasing for state health care programs; requiring a mandated report; amending Minnesota Statutes 2006, sections 256B.69, subdivision 3a; 256B.692, subdivisions 1, 2, 7; Laws 2005, First Special Session chapter 4, article 8, section 84, as amended.

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

Page 7, line 25, strike everything after "on"

Page 7, line 26, strike "by May 1,"

Page 7, line 27, before "2008" insert "March 1,"

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

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

S.F. No. 3031: A bill for an act relating to human services; revising requirements for county-based purchasing for state health care programs; amending Minnesota Statutes 2007 Supplement, section 256B.69, subdivision 4; Laws 2005, First Special Session chapter 4, article 8, section 84, as amended.

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

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

S.F. No. 2468: A bill for an act relating to economic development; renaming Minnesota Technology, Inc. to Enterprise Minnesota, Inc.; updating provisions; making technical changes; amending Minnesota Statutes 2006, sections 116O.01; 116O.011; 116O.02, subdivision 6; 116O.03, subdivisions 1a, 7; 116O.04, subdivisions 1, 2; 116O.05, subdivisions 1, 2, 4; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 2006, sections 116O.03, subdivision 11; 116O.06; 116O.07; 116O.071; 116O.072; 116O.08; 116O.09, subdivisions 1, 1a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 116O.091, subdivisions 1, 4, 5, 6; 116O.10; 116O.11; 116O.12; 116O.122; 116O.13; Minnesota Statutes 2007 Supplement, section 116O.09, subdivision 2.

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

Page 5, after line 16, insert:

"Sec. 12. [116V.01] DEFINITIONS.

For purposes of this chapter:

(1) "institute" means the Agricultural Utilization Research Institute established in section 116V.02; and

(2) "board" means the board of directors of the Agricultural Utilization Research Institute.

Sec. 13. [116V.02] AGRICULTURAL UTILIZATION RESEARCH INSTITUTE.

Subdivision 1. **Establishment.** The Agricultural Utilization Research Institute is established as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The institute shall conduct onsite and applied research, promote the establishment of new products and product uses and the expansion of existing markets for the state's agricultural commodities and products, including direct financial and technical assistance for Minnesota entrepreneurs. The institute must establish or maintain facilities and work with private and public entities to leverage the resources available to achieve maximum results for Minnesota agriculture.

Subd. 2. **Board of directors.** The board of directors of the institute is comprised of:

(1) the chairs of the senate and the house of representatives standing committees with jurisdiction over agriculture finance or the chairs' designee;

(2) two representatives of statewide farm organizations;

(3) two representatives of agribusiness; and

(4) three representatives of the commodity promotion councils.

Subd. 3. **Duties.** (a) The institute shall:

(1) identify development opportunities for agricultural products;

(2) implement a program that identifies techniques to meet those opportunities;

(3) monitor and coordinate research among the public and private organizations and individuals specifically addressing procedures to transfer new technology to businesses, farmers, and individuals;

(4) provide research grants to public and private educational institutions and other organizations that are undertaking basic and applied research to promote the development of emerging agricultural industries;

(5) assist organizations and individuals with market analysis and product marketing implementations;

(6) to the extent possible earn and receive revenue from contracts, patents, licenses, royalties, grants, fees-for-service, and memberships;

(7) work with the Department of Agriculture, the United States Department of Agriculture, the Department of Employment and Economic Development, and other agencies to maximize marketing opportunities locally, nationally, and internationally; and

(8) leverage available funds from federal, state, and private sources to develop new markets and value added opportunities for Minnesota agricultural products.

(b) The board shall have the sole approval authority for establishing agricultural utilization research priorities, requests for proposals to meet those priorities, awarding of grants, hiring and direction of personnel, and other expenditures of funds consistent with the adopted and approved mission and goals of the institute. The actions and expenditures of the institute are subject to audit. The institute shall annually report by February 1 to the senate and house of representatives standing committees with jurisdiction over agricultural policy and funding. The report must list projects initiated, progress on projects, and financial information relating to expenditures, income from other sources, and other information to allow the committees to evaluate the effectiveness of the institute's activities.

(c) The institute shall convene a Renewable Energy Roundtable, the purpose of which shall be to further the state's leadership on bioenergy issues.

(i) The Renewable Energy Roundtable shall consist of one representative appointed by the commissioner of the Minnesota Department of Agriculture, one appointed by the commissioner of the Minnesota Department of Commerce, one appointed by the chancellor of the Minnesota State Colleges and Universities, and one appointed by the president of the University of Minnesota. The appointees must have expertise relevant to bioenergy.

(ii) The board shall oversee the activities and shall provide staff to assist the Renewable Energy Roundtable.

(iii) The Renewable Energy Roundtable will engage professionals and experts from private, government, academic, and nonprofit entities across the state to identify bioenergy opportunities and collaborate with a broad group of interested parties to identify future alternative courses of action the state can take to sustain a long-term competitive position in renewable energy through the year 2025. The Renewable Energy Roundtable will consult, advise, and review projects and initiatives funded by the state as directed by the administration and the legislature.

Subd. 4. **Staff.** The board shall hire staff for the institute. Persons employed by the institute are not state employees and may participate in state retirement, deferred compensation, insurance, or other plans that apply to state employees generally and are subject to regulation by the state Campaign Finance and Public Disclosure Board.

Subd. 5. **Agricultural research grants.** The institute may make matching grants for agricultural product utilization research to the University of Minnesota, the Minnesota State Colleges and Universities, a Minnesota private college or university, a private corporation, or a person. Grants may be matched from private sources, including farm commodity groups and farm organizations.

Subd. 6. **Research contracts.** The institute may enter into contracts with individuals, businesses, or organizations to provide research and development assistance at institute facilities or at other sites the board of directors determines appropriate.

Subd. 7. **Advisory board.** A 26-member advisory board may be established to identify priorities for the institute. Members of the advisory board are appointed by the board. The advisory board consists of: the chair of the Minnesota House of Representatives Agricultural Committee; the chair of the Minnesota Senate Agricultural Committee; a representative from each of the ten largest agricultural-related businesses in the state as determined by the board; a member from each of the appropriate trade organizations representing producers of beef cattle, dairy, corn, soybeans, pork, wheat, turkey, barley, wild rice, edible beans, eggs, and potatoes; a member of the Farmers's

Union; and a member of the Farm Bureau. Terms and removal of members must be set by the board and members of the advisory board serve without compensation but shall receive their necessary and actual expenses.

The advisory board shall annually provide a list of priorities and suggested research and marketing studies that should be performed by the institute.

Subd. 8. **Bylaws.** The board shall adopt bylaws necessary for the conduct of the business of the institute consistent with this section. The board must publish bylaws and amendments to the bylaws in the State Register.

Subd. 9. **Place of business.** The board shall locate and maintain the institute's place of business within the state.

Subd. 10. **Chair.** The board shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 11. **Meetings.** The board shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the institute. Board meetings are subject to chapter 13D, except as it pertains to financial information, business plans, income and expense projections, customer lists, market and feasibility studies, and trade secret information as defined by section 13.37, subdivision 1, paragraph (b).

Subd. 12. **Conflict of interest.** A director, employee, or officer of the institute may not participate in or vote on a decision of the board relating to an organization in which the director has either a direct or indirect financial interest.

Subd. 13. **No benefit to private individuals or corporations.** This institute shall not afford pecuniary gain, incidental or otherwise, to any private individual, firm, or corporation, except the payment of reasonable fees for goods and services provided and approved in accordance with the bylaws of the corporation. No part of the net income or net earnings of the institute shall, directly or indirectly, be distributable to or otherwise inure to the benefit of any individual.

Subd. 14. **Funds.** The institute may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of and invest or reinvest the money, securities, or other property given or bequeathed to it. The principal of these funds, the income from them, and all other revenues received by it from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes. Expenditures of more than \$25,000 must be approved by the full board.

Subd. 15. **Accounts; audits.** The institute may establish funds and accounts that it finds convenient. The board shall provide for and pay the cost of an independent annual audit of its official books and records by the legislative auditor subject to sections 3.971 and 3.972. A copy of this audit shall be filed with the secretary of state.

Sec. 14. [116V.03] AGRICULTURAL PROJECT UTILIZATION ACCOUNT.

The agricultural project utilization account is an account in the special revenue fund. Money in the account is appropriated to the institute to be used for agricultural research grants as provided in section 116V.02, and for the institute."

Page 5, line 24, delete "12" and insert "15"

Renumber the sections in sequence

Amend the title accordingly

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

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

S.F. No. 2926: A bill for an act relating to construction professions; modifying provisions relating to the electrical, plumbing, water conditioning, boiler, and high-pressure piping professions; amending Minnesota Statutes 2006, sections 299F.011, subdivision 3; 326.244, subdivision 1; Minnesota Statutes 2007 Supplement, sections 16B.64, subdivision 8; 183.60, subdivision 2; 326.01, subdivisions 4b, 5; 326.2415, subdivisions 2, 6; 326.242, subdivisions 2, 3d, 5, 12, by adding subdivisions; 326.244, subdivision 5; 326.37, subdivision 1a; 326.3705, subdivision 1; 326.40, subdivisions 1, 2, 3; 326.47, subdivision 2; 326.48, subdivisions 1, 2, 2a, 2b, 5; 326.50; 326.505, subdivisions 1, 2, 8; 326.62; 326.84, subdivision 1; 326.93, subdivision 4; 326.94, subdivision 2; 326B.082, subdivisions 8, 10, 11, 12, 13; 326B.083, subdivision 3; 326B.89, subdivisions 5, 6, 12, 14; 327B.04, subdivision 4; Laws 2007, chapter 140, article 4, section 12; repealing Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.372; 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article 4, sections 2; 8; article 6, section 3; Laws 2007, chapter 140, article 12, section 9; Minnesota Rules, part 3800.3510.

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

Page 16, delete section 20

Page 17, line 11, delete the second comma and insert "or"

Page 17, line 12, delete "or restricted journeyman plumber license,"

Page 17, line 22, delete the comma and insert "or"

Page 17, line 23, delete ", or restricted journeyman plumber,"

Page 17, line 24, delete the first comma

Page 29, delete section 36 and insert:

"Sec. 35. Minnesota Statutes 2007 Supplement, section 326.94, subdivision 2, is amended to read:

Subd. 2. **Insurance.** Licensees must have public liability insurance with limits of at least \$300,000 per occurrence, ~~which~~ for bodily injury. Either this insurance must include at least ~~\$10,000~~ \$25,000 property damage coverage or the licensee must maintain separate property damage insurance with limits of at least \$25,000. ~~The~~ All insurance must be written by an insurer licensed to do business in this state, and must include premises and operations insurance and products and completed operations insurance. Each licensee shall maintain on file with the commissioner a certificate evidencing the insurance, which provides that the insurance shall not be canceled

without the insurer first giving 15 days' written notice of cancellation to the commissioner. The commissioner may increase the minimum amount of insurance required for any licensee or class of licensees if the commissioner considers it to be in the public interest and necessary to protect the interests of Minnesota consumers."

Page 36, line 26, after "contract" insert "directly"

Page 38, line 9, before "interest" insert "litigation costs or fees,"

Page 38, after line 19, insert:

"Sec. 46. Minnesota Statutes 2006, section 327A.04, subdivision 2, is amended to read:

Subd. 2. **Modification.** At any time after a contract for the sale of a dwelling is entered into by and between a vendor and a vendee or a contract for home improvement work is entered into by and between a home improvement contractor and an owner, any of the statutory warranties provided for in section 327A.02 may be excluded or modified only by a written instrument, printed in boldface type of a minimum size of ten points, which is signed by the vendee or the owner and which sets forth in detail the warranty involved, the consent of the vendee or the owner, and the terms of the new agreement contained in the writing. No exclusion or modification shall be effective unless the vendor or the home improvement contractor provides substitute express warranties offering substantially the same protections to the vendee or the owner as the statutory warranties set forth in section 327A.02. Any modification or exclusion agreed to by vendee and vendor or the owner and home improvement contractor pursuant to this subdivision shall not require the approval of the commissioner of ~~administration~~ labor and industry pursuant to section 327A.07.

Sec. 47. Minnesota Statutes 2006, section 327A.07, is amended to read:

327A.07 VARIATIONS.

The commissioner of ~~administration~~ labor and industry may approve pursuant to sections 14.05 to 14.28, variations from the provisions of sections 327A.02 and 327A.03 if the warranty program of the vendor or the home improvement contractor requesting the variation offers at least substantially the same protections to the vendee or owner as provided by the statutory warranties set forth in section 327A.02."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

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

S.F. No. 2786: A bill for an act relating to occupations; modifying effective dates for restricted plumber licenses; amending Minnesota Statutes 2007 Supplement, section 326.402, subdivisions 1, 3.

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

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

S.F. No. 2688: A bill for an act relating to unemployment compensation; eliminating an exception to the general rule for determining independent contractor status; requiring certain audit activities; repealing Minnesota Statutes 2007 Supplement, section 268.035, subdivision 25b.

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

Page 1, delete section 2

Amend the title accordingly

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

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

S.F. No. 3218: A bill for an act relating to workers' compensation; adopting recommendations of the Workers' Compensation Advisory Council; amending Minnesota Statutes 2006, sections 176.011, subdivision 9; 176.041, subdivision 1; 176.101, subdivision 1; 176.102, subdivisions 2, 11; 176.135, by adding a subdivision; 176.136, subdivisions 1a, 1b; 176.1812, subdivision 1; 176.183, subdivision 1; 176.185, subdivision 8a; 176.231, subdivision 10; 176.245; 176.275, subdivision 1; 176.285; 176.83, subdivision 7; repealing Minnesota Statutes 2006, sections 176.1041; 176.669.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Report adopted.

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

S.F. No. 3140: A bill for an act relating to boiler operations; making changes to licensing procedures; authorizing rulemaking; amending Minnesota Statutes 2006, section 183.545, subdivision 4; Minnesota Statutes 2007 Supplement, sections 183.501; 183.51.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2006, section 183.411, subdivision 3, is amended to read:

Subd. 3. **Licenses.** A license to operate ~~steam~~ farm traction engines, portable and stationary show engines, and portable and stationary show boilers shall be issued to an applicant who:

(1) is ~~18~~ 16 years of age or older;

(2) has a licensed second class grade A or higher class engineer or steam traction (hobby) engineer sign ~~the~~ an affidavit attesting to the applicant's competence in operating said ~~these~~ devices and that the applicant has demonstrated the ability to perform each task on the list, approved by the chief boiler inspector, of tasks associated with the operation of the devices;

(3) has at least 50 hours of operating experience on the devices, eight hours of which must be operating the boiler under load, and up to 16 hours of which may be satisfied by attendance at a school of instruction in operating the devices;

- (4) passes a written test for competence in operating ~~said~~ the devices; and
- ~~(4) has at least 25 hours of actual operating experience on said devices; and~~
- (5) pays the required fee.

A license ~~shall be~~ is valid for the lifetime of the licensee unless revoked for cause. A onetime fee pursuant to section 183.545, subdivision 4, shall be charged for the license."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

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

S.F. No. 3151: A bill for an act relating to education; providing for a plan to reduce the achievement gap.

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

Delete everything after the enacting clause and insert:

"Section 1. SCHOOL DISTRICT PLANS TO IMPROVE STUDENTS' ACADEMIC ACHIEVEMENT.

Subdivision 1. District academic achievement plan; priorities. (a) A school district experiencing disparities in academic achievement must develop a plan to significantly improve students' academic achievement using concrete measures to eliminate differences in academic performance among groups of students defined by race, ethnicity and income. The plan must:

- (1) reflect a research-based understanding of high-performing educational systems and best educational practices;
- (2) include innovative and practical strategies and programs, whether existing or new, that supplement district initiatives to increase students' academic achievement under state and federal educational accountability requirements; and
- (3) contain valid and reliable measures of student achievement that the district uses to demonstrate the efficacy of the district plan to the commissioner of education.

(b) A district must address the elements under section 2, paragraph (a), to the extent those elements are implicated in the district's plan.

(c) The district must include with the plan the amount of expenditures necessary to implement the plan. The district must indicate how current resources are used to implement the plan, including, but not limited to, state-limited English proficiency aid under Minnesota Statutes, section 124D.65; integration revenue under Minnesota Statutes, section 124D.86; early childhood family education revenue under Minnesota Statutes, section 124D.135; school readiness aid under Minnesota Statutes, section 124D.16; basic skills revenue under Minnesota Statutes, section 126C.10, subdivision 4; extended time revenue under Minnesota Statutes, section 126C.10, subdivision 2a;

and alternative compensation revenue under Minnesota Statutes, section 122A.415.

Subd. 2. **Plan.** (a) A school district by October 1, 2008, must submit its plan in electronic format to the commissioner of education, consistent with subdivision 1.

(b) The commissioner must analyze the commonalities and differences of the district plans and submit the analysis and underlying data to the advisory task force on improving students' academic achievement under section 2 by November 1, 2008, and also report the substance of the analyses to the education policy and finance committees of the legislature by January 1, 2009.

(c) A school district that submits a plan must be given priority in funding if the legislature provides funding for implementing the plans.

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

Sec. 2. ADVISORY TASK FORCE ON IMPROVING STUDENTS' ACADEMIC ACHIEVEMENT.

(a) An advisory task force on improving students' academic achievement is established to review the plans submitted to the commissioner of education under section 1 and recommend to the education committees of the legislature a proposal for improving students' academic achievement and eliminating differences in academic performance among groups of students defined by race, ethnicity, and income. The task force members must at least consider how the following education-related issues impact the educational achievement of low-income and minority students:

(1) rigorous preparation and coursework and how to (i) effectively invest in early childhood and parent education, (ii) impose academic rigor and high expectations on elementary and secondary students in low-income and minority schools, and (iii) provide parents, educators, and community members with meaningful opportunities to collaborate in educating students in low-income and minority schools;

(2) professional development for educators and how to (i) provide stronger financial and professional incentives to attract and retain experienced, bilingual, and culturally competent teachers and administrators in low-income and minority schools, (ii) recruit and retain teachers of color, and (iii) develop and include cultural sensitivity and interpersonal and pedagogical skills training that teachers need for effective intercultural teaching;

(3) English language learners and how to (i) use well designed tests, curricula, and English as a second language programs and services as diagnostic tools to develop effective student interventions, (ii) monitor students' language capabilities, (iii) provide academic instruction in English that supports students' learning and is appropriate for students' level of language proficiency, and (iv) incorporate the perspectives and contributions of ethnic and racial groups, consistent with Minnesota Statutes, section 120B.022, subdivision 1, paragraph (b);

(4) special education and how to (i) incorporate linguistic and cultural sensitivity into special education diagnosis and referral, (ii) increase the frequency and quality of prereferral interventions, and (iii) decrease the number of minority and nonnative English speaking students inappropriately placed in special education;

(5) GRAD tests and how to (i) incorporate linguistic and cultural sensitivity into the reading and math GRAD tests, and (ii) develop interventions to meet students' learning needs; and

(6) valid and reliable data and how to use data on student on-time graduation rates, student dropout rates, documented disciplinary actions, and completed and rigorous course work indicators to determine how well-prepared low-income and minority students are for postsecondary academic and career opportunities.

The task force also must examine the findings of a 2008 report by Minnesota superintendents on strategies for creating a world-class educational system to establish priorities for improving students' academic achievement. The task force may consider other related matters at its discretion.

(b) The commissioner of education must convene the first meeting of the advisory task force on improving students' academic achievement by July 1, 2008. The task force members must adopt internal standards for subsequent meetings. The task force is composed of the following members:

(1) a representative from a Twin Cities metropolitan area school district, a suburban school district, a school district located in a regional center, and a rural school district, all four representatives appointed by the state demographer based on identified concentrations of low-income, minority, and low performing students;

(2) a faculty member of a teacher preparation program at the University of Minnesota's college of education and human development, appointed by the college dean or the dean's designee;

(3) a faculty member from the urban teachers program at Metropolitan State University appointed by the university president or the president's designee;

(4) a faculty member from a MnSCU teacher preparation program located outside the Twin Cities metropolitan area, appointed by the university president or the president's designee;

(5) a classroom teacher appointed by Education Minnesota;

(6) an expert in early childhood care and education appointed by a state early childhood organization;

(7) a member from each state council representing a community of color, appointed by the respective council;

(8) a curriculum specialist with expertise in providing language instruction for nonnative English speakers, appointed by a state curriculum organization;

(9) a special education teacher, appointed by a state organization of special education educators;

(10) a parent of color, appointed by a state parent-teacher organization;

(11) a district testing director appointed by a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers; and

(12) a Minnesota Department of Education staff person with expertise in school desegregation matters appointed by the commissioner of education or the commissioner's designee.

A majority of task force members, at their discretion, may invite other representatives of interested public or nonpublic organizations, Minnesota's business community, Minnesota private colleges, Minnesota's communities of color, and stakeholders in local and state educational equity to become task force members.

(c) Task force members' terms and other task force matters are subject to Minnesota Statutes, section 15.059. The commissioner may reimburse task force members from the Department of Education's current operating budget but may not compensate task force members for task force activities. By February 15, 2009, the task force must submit written proposal to the education policy and finance committees of the legislature on how to significantly improve students' academic achievement.

(d) The advisory task force expires on February 16, 2009.

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

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 457, 2653, 2786 and 2688 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Betzold moved that the name of Senator Clark be added as a co-author to S.F. No. 2294. The motion prevailed.

Senator Michel moved that his name be stricken as a co-author to S.F. No. 2882. The motion prevailed.

Senator Michel moved that his name be stricken as a co-author to S.F. No. 2937. The motion prevailed.

Senator Dahle moved that the name of Senator Robling be added as a co-author to S.F. No. 2990. The motion prevailed.

Senator Dahle moved that the name of Senator Sieben be added as a co-author to S.F. No. 3089. The motion prevailed.

Senator Cohen moved that the name of Senator Sheran be added as a co-author to S.F. No. 3191. The motion prevailed.

Senator Cohen moved that the name of Senator Sheran be added as a co-author to S.F. No. 3307. The motion prevailed.

Senator Pogemiller, for Senator Fischbach, moved that S.F. No. 3205 be withdrawn from the Committee on Higher Education and re-referred to the Committee on Health, Housing and Family Security. The motion prevailed.

Senator Dahle moved that S.F. No. 3389 be withdrawn from the Committee on Taxes and returned to its author. The motion prevailed.

Senators Wiger, Tomassoni and Lynch introduced –

Senate Resolution No. 151: A Senate resolution congratulating Caleb Anderson of Century College for being named Minnesota's 2008 New Century Scholar by Phi Theta Kappa.

Referred to the Committee on Rules and Administration.

Senator Pogemiller moved that H.F. No. 2590 be withdrawn from the Committee on Health, Housing and Family Security, and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 2418, now on the Calendar. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Calendar.

CALENDAR

S.F. No. 2912: A bill for an act relating to mortgages; amending provisions relating to foreclosure; amending Minnesota Statutes 2006, sections 507.092, subdivision 1; 580.02; 580.03; 580.041, subdivision 2; 580.06; 580.07; 580.12; 580.23, subdivision 1; 580.25; 580.28; 580.30; 581.10; 582.03; 582.031; Minnesota Statutes 2007 Supplement, sections 510.05; 550.19; 550.22; 550.24; 580.24; Laws 2004, chapter 263, section 26; proposing coding for new law in Minnesota Statutes, chapter 580.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 1, as follows:

Those who voted in the affirmative were:

Berglin	Gerlach	Larson	Rest	Skogen
Betzold	Gimse	Lourey	Robling	Sparks
Carlson	Hann	Lynch	Rosen	Stumpf
Clark	Higgins	Metzen	Rummel	Tomassoni
Cohen	Ingebrigtsen	Murphy	Saltzman	Torres Ray
Dahle	Johnson	Olson, G.	Saxhaug	Vanderveer
Dibble	Jungbauer	Ortman	Scheid	Wiger
Doll	Koch	Pappas	Senjem	
Fischbach	Koering	Pariseau	Sheran	
Foley	Kubly	Pogemiller	Sieben	
Frederickson	Langseth	Prettner Solon	Skoe	

Those who voted in the negative were:

Limmer

So the bill passed and its title was agreed to.

S.F. No. 2910: A bill for an act relating to landlord and tenant; modifying expungement of eviction records; amending Minnesota Statutes 2006, section 484.014, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gerlach	Langseth	Pariseau	Sheran
Betzold	Gimse	Larson	Pogemiller	Sieben
Bonoff	Hann	Limmer	Prettner Solon	Skoe
Clark	Higgins	Lourey	Robling	Skogen
Cohen	Ingebrigtsen	Lynch	Rosen	Sparks
Dahle	Johnson	Metzen	Rummel	Stumpf
Dibble	Jungbauer	Murphy	Saltzman	Tomassoni
Fischbach	Koch	Olson, G.	Saxhaug	Torres Ray
Foley	Koering	Ortman	Scheid	Wiger
Frederickson	Kubly	Pappas	Senjem	

So the bill passed and its title was agreed to.

S.F. No. 2918: A bill for an act relating to mortgages; providing for proof of abandonment for purposes of a reduced mortgage foreclosure redemption period; amending Minnesota Statutes 2006, section 582.032, subdivision 7.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill 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 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.

Senators Ortman and Rest introduced—

S.F. No. 3451: A bill for an act relating to Carver County; making the library board advisory to the county board.

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

Senators Higgins, Sieben, Saxhaug, Torres Ray and Wergin introduced—

S.F. No. 3452: A bill for an act relating to health; establishing a task force on youth violence prevention; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health, Housing and Family Security.

Senators Rosen, Lynch and Koering introduced—

S.F. No. 3453: A bill for an act relating to human services; increasing payment rates for a nursing facility in Martin County; amending Minnesota Statutes 2006, section 256B.441, by adding a subdivision.

Referred to the Committee on Finance.

Senators Rosen, Lynch and Koering introduced—

S.F. No. 3454: A bill for an act relating to human services; increasing payment rates for a nursing facility in Faribault County; amending Minnesota Statutes 2006, section 256B.441, by adding a subdivision.

Referred to the Committee on Finance.

Senators Metzen, Michel and Sparks introduced—

S.F. No. 3455: A bill for an act relating to commerce; regulating the purchase and receipt of beer kegs by scrap metal dealers; amending Minnesota Statutes 2007 Supplement, section 325E.21, by adding a subdivision.

Referred to the Committee on Business, Industry and Jobs.

Senators Ingebrigtsen and Limmer introduced—

S.F. No. 3456: A bill for an act relating to crime; clarifying that registration time period of predatory offender restarts after conviction of a new crime; amending Minnesota Statutes 2006, section 243.166, subdivision 6.

Referred to the Committee on Judiciary.

Senators Olson, G.; Koch; Betzold and Pariseau introduced—

S.F. No. 3457: A bill for an act relating to Minnesota heritage; establishing a Minnesota State Anthem Commission.

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

Senator Sieben introduced–

S.F. No. 3458: A bill for an act relating to transportation; allowing placement of signs within certain roundabouts on marked Trunk Highway 61.

Referred to the Committee on Transportation.

Senator Koch introduced–

S.F. No. 3459: A bill for an act relating to education finance; authorizing school boards to spend staff development revenue on CPR and automatic external defibrillator training; amending Minnesota Statutes 2006, sections 122A.60, subdivision 1a; 122A.61, subdivision 1.

Referred to the Committee on Finance.

Senator Koch introduced–

S.F. No. 3460: A bill for an act relating to liquor; authorizing artisan distilleries; amending Minnesota Statutes 2006, section 340A.101, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 340A.

Referred to the Committee on Commerce and Consumer Protection.

Senator Robling introduced–

S.F. No. 3461: A bill for an act relating to local government; changing the date by which counties must provide summary budget data; amending Minnesota Statutes 2006, section 6.745, subdivision 2.

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

Senators Doll, Vickerman, Murphy, Ingebrigtsen and Day introduced–

S.F. No. 3462: A bill for an act relating to motor vehicles; repealing surcharge for special veteran license plates; repealing Minnesota Statutes 2006, section 168.123, subdivision 2a.

Referred to the Committee on Finance.

Senator Rest introduced–

S.F. No. 3463: A bill for an act relating to local government; extending the authority of Ramsey County to impose a mortgage registry and deed tax; extending the authority of Hennepin County to impose a mortgage registry and deed tax; amending Minnesota Statutes 2006, sections 383A.80, subdivision 4; 383B.80, subdivision 4.

Referred to the Committee on Taxes.

Senators Johnson, Scheid and Sparks introduced–

S.F. No. 3464: A bill for an act relating to motor fuels; updating standards for petroleum

products; amending Minnesota Statutes 2006, section 296A.01, subdivisions 19, 35; Minnesota Statutes 2007 Supplement, sections 239.761; 239.77, subdivision 1; 296A.01, subdivisions 7, 8, 8a, 14, 20, 23, 24, 25, 26, 28.

Referred to the Committee on Commerce and Consumer Protection.

Senator Scheid introduced—

S.F. No. 3465: A bill for an act relating to education; extending the special education task force to allow it to complete its study of state special education rules; repealing sections identified by this task force; amending Minnesota Statutes 2007 Supplement, section 125A.14; Laws 2007, chapter 146, article 3, section 23, subdivision 2; repealing Minnesota Statutes 2006, sections 125A.16; 125A.19; 125A.20; 125A.57.

Referred to the Committee on Education.

Senator Latz introduced—

S.F. No. 3466: A bill for an act relating to homelessness; requiring certain data for the Homeless Management Information System.

Referred to the Committee on Judiciary.

Senators Scheid, Johnson and Sparks introduced—

S.F. No. 3467: A bill for an act relating to commerce; regulating insurance fees, coverages, contracts, filings, and forms; regulating financial planners, real estate appraisers, domestic mutual insurance companies, and collection agencies; making technical and clarifying changes; amending Minnesota Statutes 2006, sections 60A.71, subdivision 7; 62A.149, subdivision 1; 62A.152, subdivision 2; 62E.10, subdivision 2; 62M.02, subdivision 21; 62Q.47; 62Q.64; 62S.01, by adding subdivisions; 62S.13, subdivision 4; 62S.15; 62S.18, subdivision 2; 62S.20, subdivision 6, by adding subdivisions; 62S.26, subdivision 2; 62S.266, subdivisions 4, 10; 62S.29, by adding subdivisions; 65A.37; 66A.02, subdivision 4; 66A.07, by adding a subdivision; 72A.51, subdivision 2; 82B.23, subdivision 1; 256B.0571, subdivision 8; Minnesota Statutes 2007 Supplement, sections 62A.30, subdivision 2; 72A.52, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62S; 332; repealing Minnesota Statutes 2006, section 62A.149, subdivision 2; Laws 2006, chapter 255, section 26.

Referred to the Committee on Commerce and Consumer Protection.

Senator Marty introduced—

S.F. No. 3468: A bill for an act relating to transportation; ensuring that unrefunded gasoline taxes remain in highway user tax distribution fund to be used for highway purposes; removing requirement that dedicated funds be used for other purposes; amending Minnesota Statutes 2006, sections 84.794, subdivision 1; 84.803, subdivision 1; 84.83, subdivision 2; 84.927, subdivision 1; 86B.706, subdivision 3; Minnesota Statutes 2007 Supplement, section 86B.706, subdivision 2; repealing Minnesota Statutes 2006, section 296A.18, subdivisions 2, 3, 4, 5, 6.

Referred to the Committee on Transportation.

Senators Marty, Murphy and Metzen introduced—

S.F. No. 3469: A bill for an act relating to occupational safety; permitting injured employees a civil remedy if an employer violated safety laws; amending Minnesota Statutes 2006, section 176.031.

Referred to the Committee on Business, Industry and Jobs.

Senators Berglin and Rosen introduced—

S.F. No. 3470: A bill for an act relating to health care; establishing a statewide health improvement program; establishing a program to monitor child obesity; establishing a health improvement fund; establishing a public health improvement assessment; establishing health care homes; increasing continuity of care; modifying outreach efforts; establishing primary care education initiatives; increasing affordability and continuity of care with public health care programs; creating a health insurance exchange; establishing Section 125 Plans; creating a Health Care Transformation Commission; restructuring the health care payment system; creating a savings reinvestment fund; establishing a savings recapture assessment; establishing cost containment goals; specifying an affordability standard; providing subsidies for employer-subsidized coverage; requiring providers to list prices; establishing an electronic prescription drug program; requiring mandated reports; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 62A.65, subdivision 3; 62E.141; 62L.12, subdivisions 2, 4; 62Q.735, subdivision 1; 256.01, by adding a subdivision; 256B.061; 256B.69, by adding a subdivision; 256D.03, by adding a subdivision; 256L.05, by adding a subdivision; 256L.06, subdivision 3; 256L.07, subdivision 3; 256L.15, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 13.46, subdivision 2; 62J.496, by adding a subdivision; 62J.81, subdivision 1; 62J.82, subdivision 1; 256.962, subdivisions 5, 6; 256B.056, subdivision 10; 256L.03, subdivisions 3, 5; 256L.04, subdivisions 1, 7; 256L.05, subdivision 3a; 256L.07, subdivision 1; 256L.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 62J; 144; 145; 256B; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2006, sections 62A.63; 62A.64; 62Q.49; 62Q.65; 62Q.736; 256L.15, subdivision 3.

Referred to the Committee on Taxes.

Senators Tomassoni, Bakk, Anderson and Metzen introduced—

S.F. No. 3471: A bill for an act relating to unemployment insurance; providing for extended unemployment benefits under certain circumstances; amending Minnesota Statutes 2007 Supplement, section 268.115, subdivision 1.

Referred to the Committee on Business, Industry and Jobs.

Senators Clark, Pogemiller, Senjem, Rest and Michel introduced—

S.F. No. 3472: A bill for an act relating to state government; incorporating Minnesota Milestones goals and indicators in budget preparation; establishing a subcommittee of the

Legislative Commission on Planning and Fiscal Policy; establishing a working group; providing additional duties for the Sesquicentennial Commission; amending Minnesota Statutes 2006, sections 3.885, by adding a subdivision; 16A.10, subdivisions 1, 1c; Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended.

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

Senator Vickerman introduced—

S.F. No. 3473: A bill for an act relating to Jackson County; providing a process for making the office of county auditor-treasurer appointive.

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

Senator Vickerman introduced—

S.F. No. 3474: A bill for an act relating to Rock County; providing a process for making certain offices appointive in Rock County.

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

Senator Stumpf introduced—

S.F. No. 3475: A bill for an act relating to human services; increasing payment rates for a nursing facility in Red Lake County; amending Minnesota Statutes 2006, section 256B.441, by adding a subdivision.

Referred to the Committee on Finance.

Senator Langseth introduced—

S.F. No. 3476: A bill for an act relating to taxation; allowing a regional emerging investment fund credit and a seed capital investment credit; imposing duties on the commissioner of employment and economic development; amending Minnesota Statutes 2006, section 290.06, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Business, Industry and Jobs.

Senator Metzen introduced—

S.F. No. 3477: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for grants to mitigate sewer inflow and infiltration in the metropolitan area.

Referred to the Committee on Finance.

Senator Murphy introduced—

S.F. No. 3478: A bill for an act relating to human services; designating certain nursing facilities in Goodhue County as metro for purposes of determining reimbursement rates; amending Minnesota

Statutes 2006, section 256B.431, by adding a subdivision.

Referred to the Committee on Finance.

Senator Murphy introduced—

S.F. No. 3479: A bill for an act relating to taxation; providing sales tax exemptions for construction of water treatment facilities and expansion of sewer and water utilities in Goodview; appropriating money; amending Minnesota Statutes 2006, sections 297A.71, by adding subdivisions; 297A.75, subdivisions 1, 2, 3.

Referred to the Committee on Taxes.

Senators Higgins, Metzen, Rosen, Saltzman and Murphy introduced—

S.F. No. 3480: A bill for an act relating to data practices; granting the Department of Corrections access to DEED preconfinement data on inmates; amending Minnesota Statutes 2007 Supplement, section 268.19, subdivision 1.

Referred to the Committee on Judiciary.

Senators Olson, G. and Robling introduced—

S.F. No. 3481: A bill for an act relating to education finance; creating a location equity index; modifying the general education revenue formula; increasing revenue for some school districts; amending Minnesota Statutes 2006, sections 126C.01, by adding a subdivision; 126C.10, subdivision 1, by adding a subdivision.

Referred to the Committee on Finance.

Senators Gimse, Ingebrigtsen and Fischbach introduced—

S.F. No. 3482: A bill for an act relating to public safety; authorizing compensation for members of Firefighter Training and Education Board; amending Minnesota Statutes 2006, section 299N.02, subdivision 2.

Referred to the Committee on Judiciary.

Senators Tomassoni, Metzen, Sparks and Day introduced—

S.F. No. 3483: A bill for an act relating to utilities; limiting utilities' use of natural gas as fuel for generating electricity and limiting recovery of those costs; amending Minnesota Statutes 2006, sections 216B.16, subdivision 7; 216B.243, by adding a subdivision.

Referred to the Committee on Energy, Utilities, Technology and Communications.

Senators Tomassoni, Pappas, Sparks and Day introduced—

S.F. No. 3484: A bill for an act relating to farm wineries; allowing farm wineries to sell product at farmer's markets and to manufacture cognacs and brandies; amending Minnesota Statutes 2006,

section 340A.315, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Senator Clark introduced—

S.F. No. 3485: A bill for an act relating to higher education; clarifying MnSCU board policy on credit requirements; amending Laws 2007, chapter 144, article 1, section 4, subdivision 3.

Referred to the Committee on Higher Education.

Senator Prettner Solon introduced—

S.F. No. 3486: A bill for an act relating to human services; modifying Medicare special needs plans; amending Minnesota Statutes 2006, section 256B.69, subdivision 28.

Referred to the Committee on Health, Housing and Family Security.

Senator Ortman introduced—

S.F. No. 3487: A bill for an act relating to civil actions; providing for interlocutory appeal on the question of class certification; proposing coding for new law in Minnesota Statutes, chapter 540.

Referred to the Committee on Judiciary.

Senators Chaudhary, Saxhaug and Anderson introduced—

S.F. No. 3488: A bill for an act relating to natural resources; establishing the Lessard-Heritage Enhancement Council; providing appointments; proposing coding for new law in Minnesota Statutes, chapter 97A.

Referred to the Committee on Environment and Natural Resources.

Senators Pappas, Tomassoni, Olseen, Rummel and Clark introduced—

S.F. No. 3489: A bill for an act relating to education; requiring life plans for students; repealing involuntary career tracking prohibition; proposing coding for new law in Minnesota Statutes, chapter 120B; repealing Minnesota Statutes 2006, section 120B.125.

Referred to the Committee on Education.

Senators Pappas, Cohen, Sheran, Tomassoni and Clark introduced—

S.F. No. 3490: A bill for an act relating to higher education; establishing the power of you program; report to legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136F.

Referred to the Committee on Higher Education.

Senator Clark introduced–

S.F. No. 3491: A bill for an act relating to education; requiring statewide P-16 education partnerships to include legislators.

Referred to the Committee on Education.

Senator Clark introduced–

S.F. No. 3492: A bill for an act relating to public safety; authorizing permanent orders for protection and restraining orders after multiple violations or continued threats; amending Minnesota Statutes 2006, sections 518B.01, subdivisions 6, 6a, 11, 18; 609.748, subdivisions 3, 5, 8.

Referred to the Committee on Judiciary.

Senator Clark introduced–

S.F. No. 3493: A bill for an act relating to early childhood education; modifying the school-age care program; amending Minnesota Statutes 2006, section 124D.19, subdivision 11.

Referred to the Committee on Education.

Senators Doll, Rest, Carlson, Dahle and Bonoff introduced–

S.F. No. 3494: A bill for an act relating to state government; providing additional whistleblower protection to state executive branch employees; amending Minnesota Statutes 2007 Supplement, section 181.932, subdivision 1.

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Metzen reported that the committee had considered the following:

S.F. Nos. 2690, 3081, 2472, 2402 and H.F. No. 3055, which the committee recommends to pass.

S.F. Nos. 2667, 2534 and 2500, which the committee recommends to pass, after the following motions:

Senator Scheid moved to amend S.F. No. 2667 as follows:

Page 1, line 22, after the stricken period, insert "This paragraph expires August 1, 2010."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 40, as follows:

Those who voted in the affirmative were:

Carlson	Hann	Murphy	Robling	Skoe
Cohen	Ingebrigtsen	Olson, G.	Rosen	Tomassoni
Day	Jungbauer	Ortman	Rummel	Vandever
Dille	Koch	Pariseau	Saxhaug	
Frederickson	Limmer	Rest	Scheid	

Those who voted in the negative were:

Anderson	Dibble	Johnson	Marty	Senjem
Bakk	Doll	Koering	Metzen	Sheran
Berglin	Erickson Ropes	Kubly	Michel	Sieben
Betzold	Fischbach	Langseth	Olseen	Skogen
Bonoff	Foley	Larson	Pappas	Sparks
Chaudhary	Gerlach	Latz	Pogemiller	Stumpf
Clark	Gimse	Lourey	Prettner Solon	Torres Ray
Dahle	Higgins	Lynch	Saltzman	Wiger

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

S.F. No. 2667 was then recommended to pass.

The question was taken on the recommendation to pass S.F. No. 2534.

The roll was called, and there were yeas 47 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Langseth	Ortman	Sheran
Berglin	Doll	Larson	Pappas	Sieben
Betzold	Erickson Ropes	Latz	Pogemiller	Skogen
Bonoff	Fischbach	Lourey	Prettner Solon	Stumpf
Carlson	Foley	Lynch	Rest	Tomassoni
Chaudhary	Frederickson	Marty	Robling	Torres Ray
Clark	Gimse	Metzen	Rummel	Wiger
Cohen	Higgins	Michel	Saltzman	
Dahle	Jungbauer	Olseen	Saxhaug	
Day	Kubly	Olson, G.	Scheid	

Those who voted in the negative were:

Bakk	Ingebrigtsen	Koering	Senjem	Vandever
Dille	Johnson	Limmer	Skoe	
Gerlach	Koch	Rosen	Sparks	

The motion prevailed. So S.F. No. 2534 was recommended to pass.

Senator Vandever moved to amend S.F. No. 2500 as follows:

Page 2, line 17, delete "and"

Page 2, line 26, before the period, insert "; and"

"(iii) agrees to make an annual contribution of one percent of the amount of the all breed simulcasting revenue generated at the class A licensed racetrack, or \$30,000, whichever is less, with one or more nonprofit 501(c)(3) community service organizations located within a three-mile

radius of the class A licensed racetrack that provide services such as, but not limited to, food shelf or youth intervention programs"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 8 and nays 49, as follows:

Those who voted in the affirmative were:

Dille	Frederickson	Marty	Rosen
Doll	Limmer	Prettner Solon	Vandever

Those who voted in the negative were:

Anderson	Dibble	Langseth	Pappas	Sheran
Bakk	Erickson Ropes	Larson	Pariseau	Sieben
Berglin	Foley	Latz	Pogemiller	Skoe
Betzold	Gerlach	Lourey	Rest	Skogen
Bonoff	Higgins	Lynch	Robling	Sparks
Carlson	Ingebrigtsen	Metzen	Rummel	Stumpf
Chaudhary	Johnson	Michel	Saltzman	Tomassoni
Cohen	Jungbauer	Murphy	Saxhaug	Torres Ray
Dahle	Koering	Olseen	Scheid	Wiger
Day	Kubly	Ortman	Senjem	

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

Senator Vandever moved to amend S.F. No. 2500 as follows:

Page 3, after line 36, insert:

"Sec. 4. **CASINO LOCATION; REFERENDUM.**

Subdivision 1. **Definition.** For purposes of this section, "gambling facility" means a facility operated or licensed by the state at which games commonly considered to be casino games are conducted. Gambling facility does not include:

(1) a racetrack licensed under Minnesota Statutes, chapter 240, unless games commonly considered to be casino games are conducted at the facility housing the racetrack; or

(2) a facility at which the only gambling conducted is lawful gambling licensed under Minnesota Statutes, chapter 349.

Subd. 2. **Referendum.** No gambling facility may be located or expanded within a home rule charter or statutory city or town unless the voters of the city or town have approved that use in the city or town at a general election or a special election called for that purpose."

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 7 and nays 50, as follows:

Those who voted in the affirmative were:

Dille Frederickson	Gerlach Koch	Limmer Rosen	Vandev eer
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Those who voted in the negative were:

Anderson	Dibble	Kubly	Ortman	Senjem
Bakk	Doll	Langseth	Pappas	Sheran
Berglin	Erickson Ropes	Larson	Pariseau	Sieben
Betzold	Foley	Latz	Pogemiller	Skoe
Bonoff	Gimse	Lourey	Prettner Solon	Skogen
Carlson	Higgins	Lynch	Rest	Sparks
Chaudhary	Ingebrigtsen	Metzen	Robling	Stumpf
Cohen	Johnson	Michel	Rummel	Tomassoni
Dahle	Jungbauer	Murphy	Saltzman	Torres Ray
Day	Koering	Olseen	Scheid	Wiger

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

S.F. No. 2500 was then recommended to pass.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

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, Second Reading of Senate Bills and Second Reading of House Bills.

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

H.F. No. 1314: A bill for an act relating to commerce; regulating the advertising and conducting of certain live musical performances or productions; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

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

S.F. No. 3067: A bill for an act relating to business organizations; waiver of reinstatement fee after certain dissolution of an entity when a principal of the entity is a returning combat veteran; proposing coding for new law in Minnesota Statutes, chapter 5.

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

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

S.F. No. 2878: A bill for an act relating to veterinary medicine; recognizing Program for the Assessment of Veterinary Education Equivalence certification; limiting use of certain drugs; changing certain requirements; regulating prescription of drugs; amending Minnesota Statutes 2006, sections 156.001, by adding a subdivision; 156.02, subdivisions 1, 2; 156.04; 156.072, subdivision 2; 156.073; 156.12, subdivisions 2, 4, 6; 156.15, subdivision 2; 156.16, subdivisions 3, 10; 156.18, subdivisions 1, 2; 156.19.

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

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

S.F. No. 833: A bill for an act relating to telecommunications; enacting the Minnesota Wireless Telephone Consumer Protection Act; changing certain existing requirements; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 2006, section 325F.695.

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

Delete everything after the enacting clause and insert:

"Section 1. [325F.696] MINNESOTA WIRELESS TELEPHONE CONSUMER PROTECTION ACT.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Customer" means an individual consumer purchasing wireless telecommunications service, or a business or corporate entity making a bulk purchase of wireless telecommunications service for use by its employees.

(c) "Government-mandated charges and taxes" means any taxes, fees, and other charges that a wireless carrier is legally required to collect directly from consumers and to remit to federal, state, or local governments, or to third parties authorized by such governments, for the administration of government programs. "Government-mandated charges and taxes" does not include discretionary charges authorized, but not required by, government action.

(d) "Wireless carrier" means a provider of wireless telecommunications service.

(e) "Wireless telecommunications service" means commercial mobile radio service as defined in Code of Federal Regulations, title 47, part 20.

Subd. 2. **Required disclosures.** (a) Wireless carriers providing wireless telecommunications service, other than prepaid per minute service that does not require a minimum term agreement from the customer, in the state must:

(1) provide the customer, at the time of sale, with a coverage map showing where service is generally available and that identifies areas where any domestic roaming or additional charges would apply to the customer's service;

(2) make coverage maps showing where service is generally available to prospective and existing customers at any location where the wireless carrier's wireless telecommunications service is offered for sale and make those maps available electronically at the carrier's Web site;

(3) clearly and conspicuously disclose at the time of sale the price for the service being purchased by the customer, including the monthly access fee or base charge, the amount of any activation or initiation fee, any charges for domestic roaming, any charge for domestic long distance, any charge for exceeding the number of minutes or usage included in any allowance, and any other charges collected and retained by the carrier and disclose a good faith estimate of the amount or range of all applicable government-mandated or authorized charges and taxes;

(4) clearly and conspicuously disclose to the customer at the time of sale, in at least 12-point font in written materials: (i) that the price is not guaranteed to remain the same for the minimum term of the contract if a contract provision allows the wireless carrier to change the price of the service during the minimum term, and (ii) any early termination fee that applies if service is terminated during the minimum term; and

(5) prior to the execution of a contract for wireless telephone service, provide the customer the terms of the contract, and after execution of the contract provide the customer with a copy of the writing or writings constituting the contract, at the time of sale and thereafter upon the customer's request.

(b) With regard to any early termination fee provisions or provisions allowing the wireless carrier to change the price of the service during the minimum contract term, the wireless carrier must obtain a specific acknowledgment from the customer that the customer has read and understands the provisions.

Subd. 3. **Billing; listing of government taxes and fees.** All bills for wireless telecommunications services must list government-mandated charges and taxes in a section of the bill separate from the section or sections listing the price and any other charges for the wireless telecommunications service. The wireless carrier must include a brief, easy-to-understand description of each charge included in the bill. The wireless carrier must not represent, expressly or by implication, that discretionary cost recovery fees or charges are government-mandated charges and taxes.

Subd. 4. **Billing for third-party goods and services.** (a) A wireless carrier must not include on a customer's bill a charge for goods or services that the carrier bills on behalf of a third party unless the wireless carrier has obtained the customer's prior express authorization to include those charges on the customer's bill issued by the wireless carrier.

(b) If a customer of a wireless carrier disputes any third-party charge appearing on that customer's wireless bill, the customer shall not be obligated to pay the disputed charge until the wireless carrier provides evidence of the customer's prior express authorization to include such charge. Evidence of the customer's prior express authorization must be produced to the customer within 60 calendar days after the customer notifies the wireless carrier that the charge is disputed. A customer shall be permitted to dispute any charges that a wireless carrier bills on behalf of a third party for up to six months after the charge appears on the customer's wireless bill. If the wireless carrier cannot produce evidence that the customer authorized the third-party charge, the wireless carrier must remove the charge from the customer's wireless bill and credit the customer for the unauthorized third-party charges incurred during the previous six months.

(c) A wireless carrier meets the prior express authorization requirements of this subdivision only if it obtains or receives authorization from the customer containing clear, unambiguous, and separate authorizations for each third-party good or service to be included on the customer's bill.

(d) Nothing in this subdivision restricts the right of a wireless carrier to seek to recover from a third party unauthorized charges credited to the customer by the wireless carrier.

Subd. 5. Extensions in contract length. (a) If a customer is offered, accepts, or requests a good, service, or promotion or changes the customer's wireless service plan in any manner, and this good, service, promotion, or change will result in the extension of the minimum contract term or create a new contract with a minimum term, the wireless carrier must disclose to the customer at the point of sale or acceptance that the requested good, service, promotion, or change will result in a contract extension or creation of a new contract with a minimum term, and must further disclose the length of the extension or new term.

(b) If the customer and a representative of the carrier are personally present at the point of sale or acceptance, the wireless provider must also in connection with the new good, service, promotion, or change obtain the customer's signed consent in an independent document. The independent document must only include the terms set forth in clauses (1) to (3) and must clearly and conspicuously disclose in at least 14-point font:

(1) that the new good, service, promotion, or change will result in an extension or renewal of the customer's contract;

(2) the new contract start and end dates; and

(3) that failure to complete the new contract term may result in early termination fees and, if so, the amount of the fees.

(c) If the customer's consent is obtained via the Internet, the wireless provider must disclose in at least 14-point font the terms listed in paragraph (b), clauses (1) to (3). The customer must provide a valid electronic signature showing that the wireless provider has disclosed and the customer has agreed to the extension or renewal of the contract. An electronic record must be available upon request to the customer until the new contract term expires.

(d) If the customer's consent is obtained orally, the wireless provider must clearly disclose the terms listed in paragraph (b), clauses (1) to (3), and the customer's consent to each term must be recorded and retained by the provider and be made available upon request to the customer until the new contract term expires.

(e) Within ten days after a customer's contract has been extended or renewed, the wireless service provider must notify the customer in an independent writing that the contract has been extended or renewed. The independent writing must only include the terms set forth in clauses (1) to (3) and must clearly and conspicuously disclose in at least 14-point font:

(1) that the new good, service, promotion, or change will result in an extension or renewal of the customer's contract;

(2) the new contract start and end dates; and

(3) that failure to complete the new contract term may result in early termination fees and, if so,

the amount of the fees.

(f) Failure of the provider to make any of the disclosures or to obtain any of the consents required in this subdivision voids any contract extension covered by this subdivision.

Subd. 6. **Consumer remedies may not be limited.** A wireless carrier may not limit by contract the right of a subscriber to bring complaints or the rights and remedies available to a subscriber by law, including class actions, in any state or federal court or agency of competent jurisdiction. A wireless carrier may not by contract hold subscribers liable for carrier legal costs resulting from complaints before the commission, the courts, or another agency. A contract between a wireless carrier and a customer may not require that disputes under the contract be submitted to arbitration.

Subd. 7. **Remedies; penalties, enforcement.** A violation of this section is a violation of a law referred to in section 8.31, subdivision 1.

Subd. 8. **Severability.** Each of the provisions of this section, and each application of a provision to particular circumstances, is severable. If a provision or application is found to be contrary to law and unenforceable, it is the intention of the legislature that the remaining provisions and applications of this section remain valid and enforceable to the full extent possible under section 645.20.

Sec. 2. **REPEALER.**

Minnesota Statutes 2006, section 325F.695, is repealed.

Sec. 3. **EFFECTIVE DATE.**

Section 1 is effective August 1, 2008, except that subdivision 4 is effective March 1, 2009."

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

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

S.F. No. 3099: A bill for an act relating to health care; establishing a statewide health improvement program; monitoring child obesity; establishing a health improvement fund; establishing a public health improvement assessment; establishing health care homes; increasing continuity of care; modifies outreach efforts; establishing primary care education initiatives; increasing affordability and continuity of care with public health care programs; creating a health insurance exchange; establishing Section 125 Plans; creating a Health Care Transformation Commission; restructuring the health care payment system; creating a savings reinvestment fund; establishing a savings recapture assessment; establishing cost containment goals; specifying an affordability standard; providing subsidies for employer-subsidized coverage; requiring providers to list prices; establishing an electronic prescription drug program; requiring mandated reports; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 62A.65, subdivision 3; 62E.141; 62L.12, subdivisions 2, 4; 62Q.735, subdivision 1; 256.01, by adding a subdivision; 256B.061; 256B.69, by adding a subdivision; 256D.03, by adding a subdivision; 256L.05, by adding a subdivision; 256L.06, subdivision 3; 256L.07, subdivision 3; 256L.15, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 13.46, subdivision 2; 62J.496, by adding a subdivision; 62J.81, subdivision 1; 62J.82, subdivision 1;

256.962, subdivisions 5, 6; 256B.056, subdivision 10; 256L.03, subdivisions 3, 5; 256L.04, subdivisions 1, 7; 256L.05, subdivision 3a; 256L.07, subdivision 1; 256L.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 62J; 145; 256B; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2006, sections 62A.63; 62A.64; 62Q.49; 62Q.65; 62Q.736; 256L.15, subdivision 3.

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

Page 2, line 14, after "tobacco," insert "use illegal drugs,"

Page 2, line 24, delete "be" and insert "consist of"

Page 2, line 25, after "(1)" insert "an" and delete "will" and insert "must"

Page 2, line 28, after "(2)" insert "a" and delete "will" and insert "must"

Page 2, line 31, after "(3)" insert "an" and delete "will" and insert "must"

Page 4, lines 8 and 10, after "tobacco," insert "use illegal drugs,"

Page 5, delete lines 1 to 3

Page 13, line 8, delete "require" and insert "encourage"

Page 27, line 20, delete the second "1" and insert "18"

Page 47, line 10, delete "sever" and insert "serve"

Page 50, lines 9, 10, and 12, delete "which" and insert "whom"

Page 55, line 28, delete "speciality" and insert "specialty"

Page 58, line 19, delete "on" and insert "and"

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

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

S.F. No. 2979: A bill for an act relating to auctioneers; exempting auctioneers from certain requirements applicable to professional fund-raisers; amending Minnesota Statutes 2006, section 309.515, subdivision 1.

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

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

S.F. No. 2930: A bill for an act relating to commerce; regulating debt management services; repealing an obsolete criminal provision; amending Minnesota Statutes 2007 Supplement, sections 332A.02, subdivision 2; 332A.04, subdivisions 1, 2, 4; 332A.06; 332A.12, by adding a subdivision; repealing Minnesota Statutes 2006, section 609B.163.

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

Page 3, after line 32, insert

"Sec. 6. Minnesota Statutes 2007 Supplement, section 332A.10, subdivision 5, is amended to read:

Subd. 5. **New debt management services agreements; modification of existing agreements.**

(a) Separate and additional debt management services agreements that comply with this chapter may be entered into by the debt management services provider and the debtor provided that no additional initial fee may be charged by the debt management services provider.

(b) Any modification of an existing debt management services agreement, including any increase in the number or amount of debts included in the debt management service, must be in writing and signed by both parties, except that the signature of the debtor is not required if:

(1) a creditor is added to or deleted from a debt management services agreement at the request of the debtor or a debtor voluntarily increases the amount of a payment, provided the debt management services provider must provide an updated payment schedule to the debtor within seven days; or

(2) the payment amount to a creditor in the agreement increases by \$10 or less and the total payment amount to all creditors increases a total of \$20 or less as a result of incorrect or incomplete information provided by the debtor regarding the amount of debt owed a creditor, provided the debt management services provider must notify the debtor of the increase within seven days.

No fees, charges, or other consideration may be demanded from the debtor for the modification, other than an increase in the amount of the monthly maintenance fee established in the original debt management services agreement."

Page 4, after line 4, insert:

"Sec. 8. Minnesota Statutes 2007 Supplement, section 332A.13, subdivision 8, is amended to read:

Subd. 8. **Payments held in trust.** The registrant must maintain a separate trust account and deposit in the account all payments received from the moment that ~~they are received~~ the funds are available, except that the registrant may commingle the payment with the registrant's own property or funds, but only to the extent necessary to ensure the maintenance of a minimum balance if the financial institution at which the trust account is held requires a minimum balance to avoid the assessment of fees or penalties for failure to maintain a minimum balance. All disbursements, whether to the debtor or to the creditors of the debtor, or to the registrant, must be made from such account, except that disbursements may be made from a trust account to an account established solely for the purpose of making disbursements to debtors and creditors."

Page 4, line 8, delete "7" and insert "9"

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 2747: A bill for an act relating to insurance; creating statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2006, sections 3.971, subdivision 6; 13.203; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Page 4, line 17, delete everything after the period

Page 4, line 18, delete "the pool must comply with chapters 62A, 62J, 62M, 62Q, and 72A" and insert "The pool must comply with chapters 60A, 62A, 62E, 62J, 62M, 62Q, 70A, 72A, and 72C"

Page 5, line 31, delete "62A,"

Page 5, line 32, delete "62J, 62M, 62Q, and 72A" and insert "60A, 62A, 62E, 62J, 62M, 62Q, 70A, 72A, and 72C"

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

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

S.F. No. 2716: A bill for an act relating to town cemeteries; specifying uses of certain cemetery funds; amending Minnesota Statutes 2006, sections 365.29; 365.30; 365.31; 365.33, subdivision 4; 365.35; 365.36, subdivisions 2, 3.

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

Page 1, line 11, reinstate the stricken language and delete the new language

Page 1, line 12, delete "board with the" and before the period, insert "as directed by the town board"

Page 1, line 17, strike everything after "SHARE" and insert "; USE OF FUNDS."

Page 2, line 2, strike "INTEREST" and insert "FUNDS"

Page 2, line 9, strike "interest" and insert "money"

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

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

S.F. No. 2007: A bill for an act relating to consumer protection; changing motor vehicle damage disclosure requirement; amending Minnesota Statutes 2006, section 325F.6641, subdivisions 1, 2.

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

Committee on Judiciary. Report adopted.

Senator Bakk from the Committee on Taxes, to which was referred

H.F. No. 3201: A bill for an act relating to financing and operation of government in this state; making policy, technical, administrative, payment, enforcement, collection, proceeds distribution, refund, and other changes to income, franchise, property, state and local sales and use, motor vehicle sales, minerals, estate, cigarette and tobacco products, gasoline, liquor, insurance premiums, mortgage and deed, healthcare gross revenues, and wheelage taxes, and other taxes and tax-related provisions; conforming to certain changes in the Internal Revenue Code; changing accelerated sales tax payments; providing for licensure of assessors; changing provisions relating to the sustainable forest resource management incentive program; providing for aids to local governments; providing for state debt collection; changing border city allocation, tax increment financing, and economic development, provisions, powers, and incentives; authorizing and providing terms and conditions related to the issuance of obligations and the financing of public improvements and services; changing and imposing powers, duties, and requirements on certain local governments and authorities and on the commissioner of revenue and other state departments and agencies; extending the time for certain publications of notices; requiring notices and publication of information; extending a petrofund fee exemption; providing for purchase of forest lands; authorizing and validating trusts to pay certain public postemployment benefits; providing for iron range higher education grants; changing revenue recapture, local impact notes, and data practices provisions; providing penalties; appropriating money; amending Minnesota Statutes 2006, sections 3.987, subdivision 1; 3.988, subdivision 3; 3.989, subdivisions 2, 3; 16A.103, subdivision 2; 16D.04, subdivisions 1, 2; 16D.11, subdivisions 2, 7; 62I.06, subdivision 6; 71A.04, subdivision 1; 97A.061, subdivision 2; 118A.03, subdivision 3; 123B.61; 127A.48, subdivision 2; 216B.1646; 270.071, subdivision 7; 270.072, subdivisions 2, 3, 6; 270.074, subdivision 3; 270.076, subdivision 1; 270.41, subdivisions 1, 2, 3, 5, by adding a subdivision; 270.44; 270.45; 270.46; 270.47; 270.48; 270.50; 270A.03, subdivision 2; 270A.10; 270C.306; 270C.34, subdivision 1; 270C.446, subdivision 2; 270C.56, subdivision 1; 270C.63, subdivision 9; 272.02, by adding subdivisions; 272.115, subdivision 1; 273.05, by adding a subdivision; 273.111, subdivision 3; 273.117; 273.121; 273.124, subdivision 13, by adding a subdivision; 273.125, subdivision 8; 273.128, subdivision 1; 273.13, subdivisions 22, 24, 25, by adding a subdivision; 273.1315; 273.1398, subdivision 4; 273.33, subdivision 2; 273.37, subdivision 2; 273.371, subdivision 1; 274.01, subdivision 1; 274.13, subdivision 1; 275.025, subdivision 3; 275.065, subdivision 5a, by adding a subdivision; 275.066; 275.067; 275.61, subdivision 1; 276.04, subdivision 2, by adding a subdivision; 276A.01, subdivision 3; 276A.04; 277.01, subdivision 2; 278.05, subdivision 6; 279.01, subdivision 1; 279.37, subdivision 1a; 280.39; 287.22; 287.2205; 289A.02, subdivision 7; 289A.08, subdivision 11; 289A.09, subdivision 2; 289A.12, subdivisions 4, 14; 289A.18, subdivision 1; 289A.20, subdivision 4; 289A.38, subdivision 7; 289A.40, subdivision 2; 289A.56, by adding a subdivision; 289A.60, subdivisions 8, 12, 15, 25, 27, by adding subdivisions; 290.01, subdivisions 19a, 19c, 19d; 290.06, subdivisions 2c, 33; 290.067, subdivision 2b; 290.0671, subdivision 7; 290.0677, subdivision 1; 290.091, subdivisions 2, 3; 290.0921, subdivision 3; 290.10; 290.17, subdivision 2; 290.191, subdivision 8; 290.92, by adding a subdivision; 290A.03, subdivision 7; 290B.03, subdivision 2; 290C.02, subdivision 3; 290C.04; 290C.05; 290C.07; 290C.11; 291.005, subdivision 1; 291.215, subdivision 1; 295.52, subdivisions 4, 4a; 295.54, subdivision 2; 296A.18, subdivision 4; 297A.61, subdivisions 3, 4, 7, 10, 24, by adding subdivisions; 297A.63, subdivision 1; 297A.665; 297A.668, by adding a subdivision; 297A.669, subdivisions 3, 13, 14, by adding subdivisions;

297A.67, subdivisions 7, 8, 9; 297A.68, subdivisions 11, 16, 35; 297A.69, subdivision 2; 297A.70, subdivision 7, by adding a subdivision; 297A.72; 297A.90, subdivision 2; 297A.99, subdivision 1; 297B.035, subdivision 1; 297F.06, subdivision 4; 297F.09, subdivision 10; 297F.21, subdivision 3; 297F.25, by adding a subdivision; 297G.09, subdivision 9; 297I.06, subdivisions 1, 2; 297I.15, by adding a subdivision; 297I.20, subdivision 2; 297I.40, subdivision 5; 298.22, by adding a subdivision; 298.2214, subdivision 2; 298.24, subdivision 1; 298.25; 298.28, subdivisions 4, 5, by adding a subdivision; 298.282, subdivision 1; 298.292, subdivision 2; 298.296, subdivision 2; 298.2961, subdivisions 4, 5; 298.75, subdivisions 1, 3, 7, by adding a subdivision; 331A.05, subdivision 2; 360.031; 365A.02; 365A.04; 365A.08; 365A.095; 373.01, subdivision 3; 373.40, subdivision 4; 375B.09; 383A.80, subdivision 4; 383A.81, subdivisions 1, 2; 383B.117, subdivision 2; 383B.77, subdivisions 1, 2; 383B.80, subdivision 4; 410.32; 412.301; 435.193; 453A.02, subdivision 3; 469.169, by adding a subdivision; 469.1734, subdivision 6; 469.174, subdivisions 10, 10a; 469.175, subdivisions 1, 3; 469.176, subdivisions 1, 2, 4l, 7; 469.1761, subdivision 1; 469.1763, subdivision 2; 469.177, subdivision 1; 469.178, subdivision 7; 469.1791, subdivision 3; 473.39, by adding subdivisions; 475.51, subdivision 4; 475.52, subdivision 6; 475.53, subdivision 1; 475.58, subdivisions 1, 3b; 477A.011, subdivision 36; 477A.013, subdivisions 8, 9; Minnesota Statutes 2007 Supplement, sections 270A.03, subdivision 5; 272.02, subdivision 64; 273.124, subdivision 14; 275.065, subdivision 3; 290.01, subdivisions 19, 19b, 31; 290A.03, subdivision 15; 424A.10, subdivision 3; Laws 1973, chapter 393, section 1, as amended; Laws 1980, chapter 511, section 1, subdivision 2, as amended; Laws 1988, chapter 645, section 3, as amended; Laws 1989, chapter 211, section 8, subdivision 4, as amended; Laws 1993, chapter 375, article 9, section 45, subdivisions 2, as amended, 3, as amended, 4, as amended; Laws 1994, chapter 587, article 9, section 14, subdivisions 1, 2, 3; Laws 1995, chapter 264, article 5, sections 44, subdivision 4, as amended; 45, subdivision 1, as amended; Laws 1999, chapter 243, article 4, section 18, subdivisions 1, 3, 4; Laws 2003, chapter 128, article 1, section 172, as amended; Laws 2005, First Special Session chapter 3, article 5, section 39; article 10, section 23, as amended; Laws 2006, chapter 259, article 11, section 3; proposing coding for new law in Minnesota Statutes, chapters 270; 270C; 273; 274; 290C; 297A; 360; 383C; 383D; 383E; 471; 475; repealing Minnesota Statutes 2006, sections 16A.1522; 163.051, subdivision 5; 270.073; 270.41, subdivision 4; 270.43; 270.51; 270.52; 270.53; 295.60; 297A.61, subdivision 20; 297A.668, subdivision 6; 297A.67, subdivision 22; 469.174, subdivision 29; Laws 1973, chapter 393, section 2; Laws 1994, chapter 587, article 9, section 8, subdivision 1, as amended; Laws 1998, chapter 389, article 11, section 18.

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

Page 7, delete lines 35 and 36

Page 8, delete lines 1 to 10

Page 10, line 4, delete "(a)"

Page 10, delete lines 13 to 15

Page 13, delete section 3

Page 26, delete section 13 and insert:

"Sec. 12. Minnesota Statutes 2006, section 273.13, subdivision 23, is amended to read:

Subd. 23. **Class 2.** (a) Class 2a property is agricultural land including any improvements that is

homesteaded. The market value of the house and garage and immediately surrounding one acre of land has the same class rates as class 1a property under subdivision 22. The value of the remaining land including improvements up to the first tier valuation limit of agricultural homestead property has a net class rate of 0.55 percent of market value. The remaining property over the first tier has a class rate of one percent of market value. For purposes of this subdivision, the "first tier valuation limit of agricultural homestead property" and "first tier" means the limit certified under section 273.11, subdivision 23.

(b) Class 2b property is (1) real estate, rural in character and used exclusively for growing trees for timber, lumber, and wood and wood products; (2) real estate that is not improved with a structure and is used exclusively for growing trees for timber, lumber, and wood and wood products, if the owner has participated or is participating in a cost-sharing program for afforestation, reforestation, or timber stand improvement on that particular property, administered or coordinated by the commissioner of natural resources; (3) real estate that is nonhomestead agricultural land; or (4) a landing area or public access area of a privately owned public use airport. Class 2b property has a net class rate of one percent of market value, except that unplatted property described in clause (1) or (2) has a net class rate of .65 percent if it consists of no less than ten and no more than 1,920 acres and is being managed under a forest management plan that meets the requirements of chapter 290C, but is not enrolled in the sustainable forest resource management incentive program, provided that the owner of the property must apply to the assessor annually to receive the reduced class rate and provide the information required by the assessor to verify that the property qualifies for the reduced rate.

(c) Agricultural land as used in this section means contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes. "Agricultural purposes" as used in this section means the raising or cultivation of agricultural products. "Agricultural purposes" also includes enrollment in the Reinvest in Minnesota program under sections 103F.501 to 103F.535 or the federal Conservation Reserve Program as contained in Public Law 99-198 if the property was classified as agricultural (i) under this subdivision for the assessment year 2002 or (ii) in the year prior to its enrollment. Contiguous acreage on the same parcel, or contiguous acreage on an immediately adjacent parcel under the same ownership, may also qualify as agricultural land, but only if it is pasture, timber, waste, unusable wild land, or land included in state or federal farm programs. Agricultural classification for property shall be determined excluding the house, garage, and immediately surrounding one acre of land, and shall not be based upon the market value of any residential structures on the parcel or contiguous parcels under the same ownership.

(d) Real estate, excluding the house, garage, and immediately surrounding one acre of land, of less than ten acres which is exclusively and intensively used for raising or cultivating agricultural products, shall be considered as agricultural land.

Land shall be classified as agricultural even if all or a portion of the agricultural use of that property is the leasing to, or use by another person for agricultural purposes.

Classification under this subdivision is not determinative for qualifying under section 273.111.

The property classification under this section supersedes, for property tax purposes only, any locally administered agricultural policies or land use restrictions that define minimum or maximum farm acreage.

(e) The term "agricultural products" as used in this subdivision includes production for sale of:

(1) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;

(2) fish bred for sale and consumption if the fish breeding occurs on land zoned for agricultural use;

(3) the commercial boarding of horses if the boarding is done in conjunction with raising or cultivating agricultural products as defined in clause (1);

(4) property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;

(5) game birds and waterfowl bred and raised for use on a shooting preserve licensed under section 97A.115;

(6) insects primarily bred to be used as food for animals;

(7) trees, grown for sale as a crop, and not sold for timber, lumber, wood, or wood products; and

(8) maple syrup taken from trees grown by a person licensed by the Minnesota Department of Agriculture under chapter 28A as a food processor.

(f) If a parcel used for agricultural purposes is also used for commercial or industrial purposes, including but not limited to:

(1) wholesale and retail sales;

(2) processing of raw agricultural products or other goods;

(3) warehousing or storage of processed goods; and

(4) office facilities for the support of the activities enumerated in clauses (1), (2), and (3),

the assessor shall classify the part of the parcel used for agricultural purposes as class 1b, 2a, or 2b, whichever is appropriate, and the remainder in the class appropriate to its use. The grading, sorting, and packaging of raw agricultural products for first sale is considered an agricultural purpose. A greenhouse or other building where horticultural or nursery products are grown that is also used for the conduct of retail sales must be classified as agricultural if it is primarily used for the growing of horticultural or nursery products from seed, cuttings, or roots and occasionally as a showroom for the retail sale of those products. Use of a greenhouse or building only for the display of already grown horticultural or nursery products does not qualify as an agricultural purpose.

The assessor shall determine and list separately on the records the market value of the homestead dwelling and the one acre of land on which that dwelling is located. If any farm buildings or structures are located on this homesteaded acre of land, their market value shall not be included in this separate determination.

(g) To qualify for classification under paragraph (b), clause (4), a privately owned public use airport must be licensed as a public airport under section 360.018. For purposes of paragraph (b), clause (4), "landing area" means that part of a privately owned public use airport properly cleared, regularly maintained, and made available to the public for use by aircraft and includes runways,

taxiways, aprons, and sites upon which are situated landing or navigational aids. A landing area also includes land underlying both the primary surface and the approach surfaces that comply with all of the following:

(i) the land is properly cleared and regularly maintained for the primary purposes of the landing, taking off, and taxiing of aircraft; but that portion of the land that contains facilities for servicing, repair, or maintenance of aircraft is not included as a landing area;

(ii) the land is part of the airport property; and

(iii) the land is not used for commercial or residential purposes.

The land contained in a landing area under paragraph (b), clause (4), must be described and certified by the commissioner of transportation. The certification is effective until it is modified, or until the airport or landing area no longer meets the requirements of paragraph (b), clause (4). For purposes of paragraph (b), clause (4), "public access area" means property used as an aircraft parking ramp, apron, or storage hangar, or an arrival and departure building in connection with the airport.

EFFECTIVE DATE. This section is effective for taxes payable in 2009 and thereafter."

Page 70, delete section 2

Pages 72 to 75, delete sections 4 to 9

Page 76, line 19, after "costs" insert ", not to exceed \$44,000,000,"

Page 76, line 20, delete everything after the comma

Page 77, line 1, delete "\$40,000,000" and insert "\$44,000,000"

Pages 77 to 79, delete sections 11 to 13

Pages 85 to 89, delete sections 5 to 14

Page 93, line 17, strike the second "and"

Page 93, line 18, reinstate the stricken language and after "rehabilitation" insert "; and"

Page 93, line 19, delete "(4)" and insert "(5)"

Page 147, line 15, delete "\$225,000" and insert "\$250,000"

Renumber the sections in sequence

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. No. 2979 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1314 and 3201 were read the second time.

MEMBERS EXCUSED

Senators Moua; Olson, M.; Vickerman and Wergin were excused from the Session of today. Senators Anderson and Erickson Ropes were excused from the Session of today from 11:00 to 11:15 a.m. Senator Michel was excused from the Session of today from 11:00 to 11:20 a.m. Senators Dille and Olseen were excused from the Session of today from 11:00 to 11:30 a.m. Senators Bakk and Day were excused from the Session of today from 11:00 to 11:35 a.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 6, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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