

THIRTY-SECOND DAY

St. Paul, Minnesota, Tuesday, April 7, 2009

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Paul Rogers.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 3, 2009

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the

Secretary of State, S.F. No. 1142.

Sincerely,
Tim Pawlenty, Governor

April 3, 2009

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2009 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2009	Date Filed 2009
1142		10	10:48 a.m. April 3	April 3
	865	11	10:46 a.m. April 3	April 3
	392	12	10:51 a.m. April 3	April 3

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1197 and 1329.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 6, 2009

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 855.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 6, 2009

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

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

Senator Pogemiller moved that H.F. No. 855 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

Senator Moua from the Committee on Judiciary, to which was re-referred

S.F. No. 289: A bill for an act relating to agriculture; extending the sunset of the farmer-lender mediation act; increasing the dollar amount for actions that require a mediation notice; amending Minnesota Statutes 2008, sections 336.9-601; 550.365, subdivision 1; 559.209, subdivision 1; 582.039, subdivision 1; 583.215.

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

Page 3, after line 17, insert:

"Sec. 2. Minnesota Statutes 2008, section 480.242, subdivision 2, is amended to read:

Subd. 2. **Review of applications; selection of recipients.** At times and in accordance with any procedures as the Supreme Court adopts in the form of court rules, applications for the expenditure of civil legal services funds shall be accepted from qualified legal services programs or from local government agencies and nonprofit organizations seeking to establish qualified alternative dispute resolution programs. The applications shall be reviewed by the advisory committee, and the advisory committee, subject to review by the Supreme Court, shall distribute the funds available for this expenditure to qualified legal services programs or to qualified alternative dispute resolution programs submitting applications. The funds shall be distributed in accordance with the following formula:

(a) Eighty-five percent of the funds distributed shall be distributed to qualified legal services

programs that have demonstrated an ability as of July 1, 1982, to provide legal services to persons unable to afford private counsel with funds provided by the federal Legal Services Corporation. The allocation of funds among the programs selected shall be based upon the number of persons with incomes below the poverty level established by the United States Census Bureau who reside in the geographical area served by each program, as determined by the Supreme Court on the basis of the most recent national census. All funds distributed pursuant to this clause shall be used for the provision of legal services in civil and farm legal assistance matters as prioritized by program boards of directors to eligible clients.

(b) Fifteen percent of the funds distributed may be distributed (1) to other qualified legal services programs for the provision of legal services in civil matters to eligible clients, including programs which organize members of the private bar to perform services and programs for qualified alternative dispute resolution, (2) to programs for training mediators operated by nonprofit alternative dispute resolution corporations, or (3) to qualified legal services programs to provide family farm legal assistance for financially distressed state farmers. The family farm legal assistance must be directed at farm financial problems including, but not limited to, liquidation of farm property including bankruptcy, farm foreclosure, repossession of farm assets, restructuring or discharge of farm debt, farm credit and general debtor-creditor relations, and tax considerations. If all the funds to be distributed pursuant to this clause cannot be distributed because of insufficient acceptable applications, the remaining funds shall be distributed pursuant to clause (a).

A person is eligible for legal assistance under this section if the person is an eligible client as defined in section 480.24, subdivision 2, or:

- (1) is a state resident;
- (2) is or has been a farmer or a family shareholder of a family farm corporation within the preceding 24 months;
- (3) has a debt-to-asset ratio greater than 50 percent; and
- (4) ~~has a reportable federal adjusted gross income of \$15,000 or less in the previous year; and~~
- ~~(5)~~ is financially unable to retain legal representation.

Qualifying farmers and small business operators whose bank loans are held by the Federal Deposit Insurance Corporation are eligible for legal assistance under this section."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "removing an income limitation on legal assistance eligibility for family farmers;"

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 Moua from the Committee on Judiciary, to which was referred

S.F. No. 759: A bill for an act relating to commerce; prohibiting certain unfair Internet ticket sales by original sellers; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. **[609.807] EVENT TICKETS; PROHIBITED ACTS.**

(a) As used in this section: (1) "initial seller" means a person or entity with whom a provider of an event or venue has contracted for the sale of tickets for the purpose of the initial sale of those tickets to the general public; and (2) "ticket" means a ticket of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind.

(b) The initial seller of tickets shall make available for sale all tickets under control of the initial seller in the manner and under terms directed by the provider of the event or venue. The initial seller shall not, unless authorized by the provider of the event or venue, divert tickets from the initial sale to the general public to be sold in any other manner or under any other terms.

(c) No person or entity, with intent to defraud, may sell a ticket that is invalid, counterfeit, altered, or otherwise not genuine.

(d) A violation of this section is a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to offenses committed on or after that date."

Delete the title and insert:

"A bill for an act relating to commerce; prohibiting certain unfair ticket sales; proposing coding for new law in Minnesota Statutes, chapter 609."

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

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 1009: A bill for an act relating to public safety; clarifying the prostitution penalty enhancement provision for repeat offenders; broadening the prostitution in a public place crime; making driving records relating to prostitution offenses public for repeat offenders and ensuring that they are available to law enforcement for first-time offenders; amending Minnesota Statutes 2008, sections 609.321, by adding a subdivision; 609.324, subdivisions 2, 3, 5.

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

Page 1, line 19, strike "Solicitation or acceptance of solicitation to engage in"

Page 2, strike everything after "3." and insert "General prostitution crimes;"

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

Senator Moua from the Committee on Judiciary, to which was re-referred

S.F. No. 528: A bill for an act relating to insurance; providing recovery of damages and attorney

fees for breach of an insurance policy; amending Minnesota Statutes 2008, section 471.982, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Page 1, line 7, delete "DAMAGES" and insert "INTEREST"

Page 2, line 1, after "Interest" insert "; fees"

Page 2, line 2, delete the first comma and insert "or" and delete "or denial" and delete ", or delay in fulfilling"

Page 2, line 3, after "recover" insert ": (1)"

Page 2, line 5, before the period, insert "; and (2) reasonable attorney fees as provided under this section in addition to other attorney fees allowable under law or an insurance policy"

Amend the title as follows:

Page 1, line 2, delete "damages" and insert "interest"

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

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

S.F. No. 747: A bill for an act relating to local government; regulating nonconforming lots in shoreland areas; amending Minnesota Statutes 2008, sections 394.36, subdivision 4, by adding a subdivision; 462.357, subdivision 1e.

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

Page 2, line 16, delete everything after "with" and insert "the rules of the Pollution Control Agency"

Page 2, line 17, delete "7080,"

Page 2, line 23, delete everything after "with" and insert "the rules of the Department of Natural Resources;"

Page 3, line 1, delete everything after "and" and insert "the rules of the Pollution Control Agency"

Page 3, line 2, delete "7080,"

Page 4, lines 17 and 26, delete everything after "with" and insert "the rules of the Pollution Control Agency"

Page 4, line 18, delete "7080,"

Page 4, line 24, delete everything after "with" and insert "the rules of the Department of Natural Resources;"

Page 4, line 27, delete "chapter 7080,"

Page 5, line 1, delete everything after "and" and insert "the rules of the Pollution Control Agency"

Page 5, line 2, delete "7080,"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 759, 1009 and 528 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Stumpf introduced—

S.F. No. 2059: A bill for an act relating to waters; appropriating money for grants to comply with water protection rules.

Referred to the Committee on Finance.

Senator Cohen introduced—

S.F. No. 2060: A bill for an act relating to arts and culture; appropriating money for the Board of the Arts; proposing coding for new law in Minnesota Statutes, chapter 129D.

Referred to the Committee on Finance.

Senator Stumpf introduced—

S.F. No. 2061: A bill for an act relating to natural resources; requiring an elk management plan.

Referred to the Committee on Environment and Natural Resources.

Senators Gimse, Vickerman and Fischbach introduced—

S.F. No. 2062: A bill for an act relating to veterans; establishing a veterans' mental health facility in Kandiyohi County; specifying services to be provided; providing for funding and commencement of operations; proposing coding for new law in Minnesota Statutes, chapter 198.

Referred to the Committee on Agriculture and Veterans.

MOTIONS AND RESOLUTIONS

Senator Murphy moved that his name be stricken as a co-author to S.F. No. 1156. The motion prevailed.

Senator Higgins moved that the name of Senator Wiger be added as a co-author to S.F. No. 1486. The motion prevailed.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated S.F. No. 1328 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1328: A bill for an act relating to education; providing for policy and funding for early childhood, family, adult, and prekindergarten through grade 12 education, including general education; education excellence; special programs; facilities and technology; nutrition; libraries and accounting; early education, prevention, self-sufficiency, and lifelong learning; state agencies; and forecast adjustments; creating a consolidated levy; modifying charter school provisions; reducing mandates; allocating prekindergarten allowances; appropriating money; amending Minnesota Statutes 2008, sections 16A.06, subdivision 11; 119A.52; 120A.22, subdivisions 11, 12; 120A.24; 120A.40; 120A.41; 120B.02; 120B.021, subdivision 1; 120B.023, subdivision 2; 120B.024; 120B.11, subdivision 5; 120B.30, subdivisions 1, 1a, 2, by adding a subdivision; 120B.31, subdivisions 1, 3, 4; 120B.35; 120B.36; 121A.035, subdivision 2; 121A.037; 121A.15, subdivision 8; 121A.41, subdivisions 7, 10; 121A.43; 122A.06, subdivision 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 7; 122A.18, subdivisions 2, 2a, by adding a subdivision; 122A.31, subdivision 4; 122A.413, subdivision 2; 122A.414, subdivision 2b, by adding a subdivision; 122A.415, by adding subdivisions; 122A.60, subdivision 1a; 122A.61, subdivision 1; 123A.05; 123A.06; 123A.08; 123B.03, subdivision 1; 123B.10, subdivision 1; 123B.14, subdivision 7; 123B.143, subdivision 1; 123B.42, subdivision 1; 123B.44, subdivision 1; 123B.51, by adding a subdivision; 123B.54; 123B.59, subdivisions 6, 7; 123B.70, subdivision 1; 123B.71, subdivisions 1, 8, 9, 12; 123B.77, subdivision 3; 123B.81, subdivisions 3, 4, 5; 123B.83, subdivision 3; 124D.095, subdivisions 3, 4, 7, 10; 124D.10, subdivisions 1, 2a, 3, 4, 4a, 5, 6, 6a, 7, 8, 9, 11, 13, 14, 15, 17, 20, 23, 23a, 25, by adding subdivisions; 124D.11, subdivision 9, by adding a subdivision; 124D.128, subdivisions 2, 3; 124D.13, subdivision 13; 124D.135, subdivision 3; 124D.15, subdivision 3; 124D.19, subdivisions 3, 10, 14; 124D.42, subdivision 6, by adding a subdivision; 124D.522; 124D.60, subdivision 1; 124D.68, subdivisions 2, 3, 4, 5; 124D.83, subdivision 4; 124D.86, subdivision 3; 125A.01; 125A.02; 125A.07; 125A.08; 125A.091, subdivisions 7, 10, 12, 13, 14, 16, 18, 19, 20, 24, 25, 27, 28, by adding a subdivision; 125A.11, subdivision 1; 125A.15; 125A.28; 125A.51; 125A.57, subdivision 2; 125A.61, subdivision 1; 125A.62, subdivision 8; 125A.63, subdivisions 2, 4; 125A.744, subdivision 3; 125A.76, subdivision 1; 125B.26, subdivisions 1, 2, 3, 4; 126C.05, subdivisions 2, 15, 20; 126C.10, subdivisions 2a, 13a, 13b, 29, 30, 32, 33, 34, 35, 36; 126C.13, subdivision 4, by adding subdivisions; 126C.15, subdivisions 2, 4; 126C.17, subdivision 9; 126C.21, subdivision 3, by adding a subdivision; 126C.40, subdivision 6; 126C.44; 126C.455;

127A.08, by adding a subdivision; 127A.47, subdivisions 5, 7; 127A.49, subdivisions 2, 3; 134.31, subdivision 4a, by adding a subdivision; 134.34, subdivisions 1, 4; 171.05, subdivision 2; 171.17, subdivision 1; 171.22, subdivision 1; 181A.05, subdivision 1; 299A.297; 299F.30, subdivision 1; 299F.47, subdivision 4; Laws 2007, chapter 146, article 1, section 24, subdivisions 2, as amended, 4, as amended, 5, as amended, 6, as amended, 7, as amended, 8, as amended; article 2, section 46, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, as amended, 9, as amended; article 3, section 24, subdivisions 3, as amended, 4, as amended, 7; article 4, section 16, subdivisions 2, as amended, 6, as amended, 8, as amended; article 5, section 13, subdivisions 2, as amended, 3, as amended; article 9, section 17, subdivisions 2, as amended, 4, as amended, 8, as amended, 9, as amended, 13, as amended; proposing coding for new law in Minnesota Statutes, chapters 4; 120B; 122A; 124D; 125B; 127A; repealing Minnesota Statutes 2008, sections 120A.26, subdivisions 1, 2; 120B.11, subdivisions 6, 7, 8; 120B.362; 120B.39; 121A.06; 121A.27; 122A.24; 122A.32; 122A.628; 122A.72, subdivisions 3, 4; 122A.75; 123B.92, subdivision 5; 124D.10, subdivisions 18, 19, 26; 125A.05; 125A.091, subdivisions 1, 2, 3, 4, 22, 23; 126C.10, subdivisions 13a, 13b, 29, 30, 32, 33, 34, 35, 36; Laws 2008, chapter 363, article 2, section 48; Minnesota Rules, parts 3525.0210, subparts 34, 43; 3525.0400; 3525.2445; 3525.4220.

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on S.F. No. 1328. The Sergeant at Arms was instructed to bring in the absent members.

Senator Stumpf moved to amend S.F. No. 1328 as follows:

Page 18, delete section 35

Page 37, delete section 8

Page 56, delete section 28

Page 59, line 18, delete everything after "average"

Page 59, delete line 19

Page 59, line 20, delete everything before the semicolon

Page 60, line 20, delete "must" and insert "may"

Page 71, delete sections 47 and 48

Page 94, line 31, reinstate the stricken language and delete the new language

Page 94, delete lines 32 and 33

Page 95, line 1, delete the new language

Page 103, delete section 84

Page 118, line 26, delete "120B.11,"

Page 118, delete line 27 and insert "120B.362; 122A.72,"

Page 118, line 28, delete "122A.75; 123B.92, subdivision 5;"

Page 142, delete section 5

Page 143, delete section 6

Page 145, delete section 8

Page 164, delete section 9

Page 171, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Stumpf moved to amend S.F. No. 1328 as follows:

Page 127, line 21, delete "who are not employees of"

Page 127, delete lines 22 to 24

Page 127, line 25, delete everything before the period

Page 127, line 26, delete everything after the period

Page 127, delete lines 27 and 28

Page 127, line 29, delete everything before "Upon"

Page 128, line 11, strike "and"

Page 128, line 13, strike the period and insert a semicolon

Page 128, after line 13, insert:

"(9) not otherwise be under contract with the department or the school district;

(10) know and understand state and federal special education laws, rules, and regulations, and legal interpretations by federal and state courts; and

(11) have the knowledge and ability to conduct hearings and render and write decisions according to appropriate, standard legal practice."

Page 129, line 14, delete the comma and insert ". The explanation must include"

Page 129, lines 15 and 17, delete the comma and insert a semicolon

Page 130, line 23, delete "for good cause shown" and insert "if the hearing officer determines that good cause exists"

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 1328 as follows:

Page 154, after line 26, insert:

"Sec. 7. **SALARY FREEZE.**

Subdivision 1. **Salary increases prohibited.** (a) From the effective date of this section through June 30, 2011, a school district or charter school must not increase the rate of salary or wages for any employee. This section prohibits any increase including, but not limited to, across-the-board increases; cost-of-living adjustments; increases based on longevity; increases as a result of step and lane changes; increases in the form of lump-sum payments; increases in employer contributions to deferred compensation plans; or any other pay grade adjustments of any kind. For purposes of this section, salary or wages does not include employer contributions toward the cost of medical or dental insurance premiums, provided that employee contributions to the costs of medical or dental insurance premiums are not decreased.

(b) This section does not prohibit an increase in the rate of salary and wages for an employee who is promoted or transferred to a position with greater job responsibilities. Additional educational credits or degrees or a lane change is not a promotion or a transfer to a position with greater job responsibilities. This section also does not prohibit a school district or charter school from implementing an alternative compensation program approved by the commissioner of the Department of Education. The commissioner may approve an alternative compensation program at the commissioner's sole discretion.

Subd. 2. **Contracts in effect.** (a) This section does not prohibit a government employer from effectuating an increase in the rate of salary or wages for employees if required by a contract or collective bargaining agreement that is in effect before the effective date of this section. However, from the effective date of this section until June 30, 2011, a school district or charter school may not:

(1) enter into a new contract or collective bargaining agreement that increases salary or wages in a manner prohibited by this section; or

(2) increase the rate of salary or wages for employees through extension of an expired contract or collective bargaining agreement or any other arrangement or agreement.

(b) Notwithstanding any law to the contrary, if, as of the effective date of this section, a school district or charter school has agreed to or entered into a contract or collective bargaining agreement that is not scheduled to become effective until after the effective date of this section, any provision of the contract or collective bargaining agreement that violates subdivision 1, paragraph (a), is void. If this occurs, the exclusive representative may rescind the entire contract or collective bargaining agreement. To be effective, a request to rescind the contract must be made within 30 calendar days following the effective date of this section. Any subsequent contract or collective bargaining agreement must comply with the terms of this section.

(c) Notwithstanding any law to the contrary, upon expiration of a contract or collective bargaining agreement, each employee must remain at the rate of salary and wage in effect at the time the contract expired, except as authorized in subdivision 1, paragraph (b). Any language in a contract or collective bargaining agreement that attempts to extend the terms of the contract or collective bargaining agreement is invalid if it seeks to extend the application of the terms of a collective bargaining agreement past the durational limits set forth in Minnesota Statutes, section 179A.20, subdivision 3.

Subd. 3. **Future contracts.** A contract or collective bargaining agreement or compensation plan entered into after June 30, 2011, must not provide a retroactive salary or wage increase that applies to a period before June 30, 2011, if that increase would be prohibited by this section if granted before June 30, 2011.

Subd. 4. **Arbitration and strikes.** Notwithstanding any law to the contrary:

(1) employees of a school district or charter school may not legally strike due to a government employer's refusal to grant a salary or wage increase if the refusal is required to comply with this section; and

(2) neither a school district or charter school nor an exclusive representative may request interest arbitration in relation to an increase in the rate of salary or wages that is prohibited by this section and an arbitrator may not issue an award that would increase salary or wages in a manner prohibited by this section.

Subd. 5. **Relation to other law.** This section supersedes Minnesota Statutes, chapter 179A, and any other law to the contrary. It is not an unfair labor practice under Minnesota Statutes, chapter 179A, for a public employer to take any action required to comply with this section.

EFFECTIVE DATE; EXPIRATION. This section is effective the day following final enactment. Subdivisions 1, 2, 4, and 5, expire on June 30, 2011."

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 18 and nays 48, as follows:

Those who voted in the affirmative were:

Dille	Gimse	Koch	Ortman	Senjem
Fischbach	Hann	Limmer	Pariseau	Vandever
Frederickson	Johnson	Michel	Robling	
Gerlach	Jungbauer	Olson, G.	Rosen	

Those who voted in the negative were:

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

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

Senator Murphy moved to amend S.F. No. 1328 as follows:

Page 8, after line 35, insert:

"Sec. 15. Minnesota Statutes 2008, section 126C.10, subdivision 2, is amended to read:

Subd. 2. **Basic revenue.** The basic revenue for each district equals the formula allowance times the adjusted marginal cost pupil units for the school year. The formula allowance for fiscal year 2007 is \$4,974. The formula allowance for fiscal year 2008 is \$5,074 and the formula allowance for fiscal year 2009 and subsequent years 2010 is \$5,124. The formula allowance for fiscal year 2011 and later is \$5,199."

Pages 10 to 11, delete sections 22 to 24

Pages 62 to 63, delete sections 36 to 40

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Murphy	Rummel	Torres Ray
Carlson	Fobbe	Olseen	Sheran	Vandever
Cohen	Kubly	Olson, M.	Sieben	Vickerman
Dahle	Lourey	Pappas	Skogen	
Dibble	Lynch	Prettner Solon	Sparks	
Doll	Metzen	Rest	Tomassoni	

Those who voted in the negative were:

Bakk	Fischbach	Johnson	Michel	Saltzman
Berglin	Foley	Jungbauer	Moua	Saxhaug
Betzold	Frederickson	Kelash	Olson, G.	Scheid
Bonoff	Gerlach	Koch	Ortman	Senjem
Chaudhary	Gimse	Langseth	Pariseau	Skoe
Clark	Hann	Latz	Pogemiller	Stumpf
Day	Higgins	Limmer	Robling	Wiger
Dille	Ingebrigtsen	Marty	Rosen	

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

Senator Dahle moved to amend S.F. No. 1328 as follows:

Page 59, delete section 32

Page 118, delete lines 24 and 25

Page 118, line 26, delete "(b)"

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 30 and nays 36, as follows:

Those who voted in the affirmative were:

Bakk	Chaudhary	Dahle	Erickson Ropes	Kelash
Carlson	Clark	Dibble	Fobbe	Kubly

Langseth	Marty	Rest	Sieben	Tomassoni
Latz	Olseen	Rummel	Skoe	Torres Ray
Lourey	Olson, M.	Saxhaug	Skogen	Vickerman
Lynch	Prettner Solon	Sheran	Sparks	Wiger

Those who voted in the negative were:

Anderson	Fischbach	Johnson	Olson, G.	Scheid
Berglin	Foley	Jungbauer	Ortman	Senjem
Betzold	Frederickson	Koch	Pappas	Stumpf
Bonoff	Gerlach	Limmer	Pariseau	Vandever
Cohen	Gimse	Metzen	Pogemiller	
Day	Hann	Michel	Robling	
Dille	Higgins	Moua	Rosen	
Doll	Ingebrigtsen	Murphy	Saltzman	

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

Senator Dille moved to amend S.F. No. 1328 as follows:

Page 3, after line 12, insert

"Sec. 4. Minnesota Statutes 2008, section 123A.73, subdivision 4, is amended to read:

Subd. 4. **Consolidation; maximum authorized referendum revenues.** (a) As of the effective date of a consolidation pursuant to section 123A.48, if the plan for consolidation so provides, or if the plan for consolidation makes no provision concerning referendum revenues, the authorization for all referendum revenues previously approved by the voters of all affected districts for those districts pursuant to section 126C.17, subdivision 9, or its predecessor provision shall be recalculated as provided in this subdivision. The referendum revenue authorization for the newly created district shall be the revenue per resident marginal cost pupil unit that would raise an amount equal to the combined dollar amount of the referendum revenues authorized by each of the component districts for the year preceding the consolidation, unless the referendum revenue authorization of the newly created district is subsequently modified pursuant to section 126C.17, subdivision 9.

(b) The referendum allowance for a consolidated district in the years following consolidation equals the average of the consolidating districts' existing authorities for those years, weighted by the districts' resident marginal cost pupil units in the year preceding consolidation. For purposes of this calculation, the referendum authorities used for individual districts shall not decrease from year to year until such time as all existing authorities for all the consolidating districts have fully expired, but shall increase if they were originally approved with consumer price index-based or other annual increases.

(c) The referendum revenue authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district.

EFFECTIVE DATE. This section is effective for revenue for fiscal years 2010 and later.

Sec. 5. Minnesota Statutes 2008, section 123A.73, subdivision 5, is amended to read:

Subd. 5. **Alternative method.** (a) As of the effective date of a consolidation pursuant to section 123A.48, if the plan for consolidation so provides, the authorization for all referendum revenues previously approved by the voters of all affected districts for those districts pursuant to section 126C.17, subdivision 9, or its predecessor provision shall be combined as provided in this subdivision. The referendum revenue authorization for the newly created district may be any

allowance per resident marginal cost pupil unit provided in the plan for consolidation, but may not exceed the allowance per resident marginal cost pupil unit that would raise an amount equal to the combined dollar amount of the referendum revenues authorized by each of the component districts for the year preceding the consolidation.

(b) The referendum allowance for a consolidated district in the years following consolidation equals the average of the consolidating districts' existing authorities for those years, weighted by the districts' resident marginal cost pupil units in the year preceding consolidation. For purposes of this calculation, the referendum authorities used for individual districts shall not decrease from year to year until such time as all existing authorities for all the consolidating districts have fully expired, but shall increase if they were originally approved with consumer price index-based or other annual increases.

(c) The referendum revenue authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district. The referendum revenue authorization for the newly created district may be modified pursuant to section 126C.17, subdivision 9."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 1328 as follows:

Page 153, after line 21, insert:

"Sec. 5. Minnesota Statutes 2008, section 179A.18, subdivision 2, is amended to read:

Subd. 2. **School district requirements.** ~~Except as otherwise provided by section 179A.17, subdivision 1,~~ Teachers employed by a local school district, other than principals and assistant principals, may strike ~~only under the following circumstances:~~ if the employer violates section 179A.13, subdivision 2, clause (9).

~~(1)(i) the collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 1, has occurred; and~~

~~(ii) the exclusive representative and the employer have participated in mediation over a period of at least 30 days. For the purposes of this subclause the mediation period commences on the day that a mediator designated by the commissioner first attends a conference with the parties to negotiate the issues not agreed upon; and~~

~~(iii) neither party has requested interest arbitration or a request for binding interest arbitration has been rejected; or~~

~~(2) the employer violates section 179A.13, subdivision 2, clause (9).~~

Sec. 6. [179A.50] TEACHER AND SCHOOL BOARD NEGOTIATIONS.

Subdivision 1. Application. This section applies to negotiations between a local school board

and the exclusive representative of teachers and is effective for all collective bargaining contracts effective on or after July 1, 2009.

Subd. 2. **Mediation.** If, on July 1 of an odd-numbered year, the local school board and exclusive representative of teachers have not agreed to the terms for a new contract, the parties must enter mediation through the Bureau of Mediation Services. The commissioner of the Bureau of Mediation Services shall assign a mediator. The parties must engage in mediation for at least 45 days or until an agreement as to the terms for a new contract are reached. Mediation must end on or before September 1 of the odd-numbered year.

Subd. 3. **Binding arbitration.** If the school board and exclusive representative of teachers have not executed a new contract by October 1 of the odd-numbered year, the parties must certify the items in dispute to the commissioner of mediation services. If the parties disagree on the items subject to arbitration, the commissioner must determine the items to be decided. Arbitration is governed by section 179A.16, except that:

- (1) the arbitration shall be final-offer, total-package, interest-binding arbitration;
- (2) participation is mandatory;
- (3) the results are binding on both parties;
- (4) the arbitrator shall consider, in addition to any other relevant factors, the following factors:
 - (i) past collective bargaining contracts between the parties including the bargaining that led up to such contracts;
 - (ii) comparison of wages, hours, and conditions of employment of comparable public employees doing comparable work;
 - (iii) the interests and welfare of the public; and
 - (iv) the ability or inability of the board to finance the arbitration award; and
- (5) the arbitrator must issue a final decision no later than December 1 of the odd-numbered year."

Page 156, after line 6, insert:

"Sec. 10. **REPEALER.**

Minnesota Statutes 2008, section 179A.17, subdivision 1, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 49, as follows:

Those who voted in the affirmative were:

Fischbach	Ingebrigtsen	Michel	Robling
Gerlach	Johnson	Olson, G.	Rosen
Gimse	Jungbauer	Ortman	Senjem
Hann	Koch	Pariseau	Vandever

Those who voted in the negative were:

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

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

Senator Rosen moved to amend S.F. No. 1328 as follows:

Page 24, after line 33, insert:

"Sec. 43. CONTRACT SETTLEMENT DEADLINE AND PENALTY; TEMPORARY SUSPENSION.

Notwithstanding Minnesota Statutes, section 123B.05, subdivision 2, for fiscal years 2010 and 2011 only, state aid must not be reduced if a collective bargaining agreement required by Minnesota Statutes, section 123B.05, subdivision 2, is not signed by January 15, 2010.

EFFECTIVE DATE. This section is effective July 1, 2009."

Page 172, line 6, delete "21,042,000" and insert "20,642,000"

Page 172, line 7, delete "21,042,000" and insert "20,942,000"

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 19 and nays 47, as follows:

Those who voted in the affirmative were:

Dille	Gimse	Jungbauer	Olson, G.	Rosen
Fischbach	Hann	Koch	Ortman	Senjem
Frederickson	Ingebrigtsen	Limmer	Pariseau	Vanderveer
Gerlach	Johnson	Michel	Robling	

Those who voted in the negative were:

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

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

Senator Vandever moved to amend S.F. No. 1328 as follows:

Page 16, delete section 33 and insert:

"Sec. 33. Minnesota Statutes 2008, section 126C.21, is amended by adding a subdivision to read:

Subd. 6. **Statewide general education aid adjustment.** (a) Each year the commissioner shall reduce the general education aid earned by school districts and charter schools based on the statewide general education aid adjustment. The commissioner shall apportion the statewide general education aid adjustment based on each district and charter school's proportionate share of the statewide total general education aid, under section 126C.13, subdivision 4, minus its operating referendum aid under section 126C.17, subdivisions 7 and 7a, for that year. The statewide general education aid adjustment for fiscal year 2010 is \$544,003,000. The statewide general education aid adjustment for fiscal year 2011 is \$424,385,000. The statewide general education aid adjustment for fiscal year 2012 and later is \$488,161,000.

(b) Notwithstanding paragraph (a), \$200,000,000 of the statewide general education adjustment for fiscal year 2011 only shall be apportioned based on each district and charter school's proportionate share of the statewide total general education aid minus the operating referendum for fiscal year 2010."

Page 26, lines 7, 10, 14, and 16, delete "average daily membership" and insert "general education"

Page 26, line 19, delete "adjusted"

Page 26, line 20, delete "average daily membership" and insert "general education aid"

Page 29, line 16, delete "average daily membership" and insert "general education"

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 36, as follows:

Those who voted in the affirmative were:

Dahle	Fobbe	Johnson	Olseen	Saltzman
Day	Frederickson	Jungbauer	Olson, G.	Senjem
Dille	Gerlach	Koch	Ortman	Sheran
Doll	Gimse	Latz	Pariseau	Sparks
Erickson Ropes	Hann	Limmer	Robling	Vandever
Fischbach	Ingebrigtsen	Michel	Rosen	Vickerman

Those who voted in the negative were:

Anderson	Cohen	Lynch	Prettner Solon	Stumpf
Bakk	Dibble	Marty	Rest	Tomassoni
Berglin	Foley	Metzen	Rummel	Torres Ray
Betzold	Higgins	Moua	Saxhaug	Wiger
Bonoff	Kelash	Murphy	Scheid	
Carlson	Kubly	Olson, M.	Sieben	
Chaudhary	Langseth	Pappas	Skoe	
Clark	Lourey	Pogemiller	Skogen	

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

S.F. No. 1328 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 37 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Latz	Pogemiller	Skogen
Bakk	Dibble	Lourey	Prettner Solon	Stumpf
Berglin	Doll	Lynch	Rummel	Tomassoni
Betzold	Foley	Metzen	Saltzman	Torres Ray
Bonoff	Higgins	Moua	Saxhaug	Wiger
Chaudhary	Kelash	Olson, G.	Scheid	
Clark	Kubly	Olson, M.	Sheran	
Cohen	Langseth	Pappas	Skoe	

Those who voted in the negative were:

Carlson	Frederickson	Jungbauer	Olseen	Senjem
Day	Gerlach	Koch	Ortman	Sieben
Dille	Gimse	Limmer	Pariseau	Sparks
Erickson Ropes	Hann	Marty	Rest	Vandever
Fischbach	Ingebrigtsen	Michel	Robling	Vickerman
Fobbe	Johnson	Murphy	Rosen	

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

Senator Pogemiller moved that S.F. No. 1328 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that H.F. No. 855 be taken from the table. The motion prevailed.

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

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 855 and that the rules of the Senate be so far suspended as to give H.F. No. 855 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 855 was read the second time.

Senator Langseth moved to amend H.F. No. 855 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 855, and insert the language after the enacting clause, and the title, of S.F. No. 781, the third engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 855 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 57 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Koch	Pappas	Skoe
Bakk	Doll	Kubly	Pogemiller	Skogen
Berglin	Erickson Ropes	Langseth	Prettner Solon	Sparks
Betzold	Fobbe	Latz	Rest	Stumpf
Bonoff	Foley	Lourey	Rosen	Tomassoni
Carlson	Frederickson	Lynch	Rummel	Torres Ray
Chaudhary	Gerlach	Marty	Saltzman	Vandever
Clark	Gimse	Metzen	Saxhaug	Vickerman
Cohen	Higgins	Moua	Scheid	Wiger
Dahle	Ingebrigtsen	Murphy	Senjem	
Day	Jungbauer	Olseen	Sheran	
Dibble	Kelash	Olson, M.	Sieben	

Those who voted in the negative were:

Fischbach	Johnson	Michel	Ortman	Robling
Hann	Limmer	Olson, G.	Pariseau	

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

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

S.F. No. 3: A bill for an act relating to mandates; eliminating unnecessary state mandates; simplifying and repealing mandates on school districts; relieving counties of certain mandates; modifying county payment of funeral expenses; modifying provisions related to children's therapeutic services and supports; modifying certain nursing facility rules; providing an alternative licensing method for day training and habilitation services; accepting certain independent audits; modifying health care program information that a school district or charter school must

provide; eliminating various unfunded mandates affecting local governmental units; removing, extending, or modifying certain mandates upon local governmental units or officials; eliminating truth-in-taxation hearing requirements and temporarily suspending advertising requirements; modifying publication correction requirements; increasing the property tax amount for which installment payments may be made; amending Minnesota Statutes 2008, sections 6.80, by adding a subdivision; 62Q.37, subdivision 3; 120B.11, subdivision 5; 122A.09, subdivision 7; 123B.10, subdivision 1; 123B.143, subdivision 1; 123B.71, subdivisions 1, 8, 12; 124D.10, subdivision 20; 124D.19, subdivision 3; 124D.68, subdivision 5; 125A.57, subdivision 2; 125A.61, subdivision 1; 126C.44; 144A.04, subdivision 11, by adding a subdivision; 144A.43, by adding a subdivision; 144A.45, subdivision 1, by adding a subdivision; 157.22; 168.33, subdivision 7; 211B.37; 245.4871, subdivision 10; 245.4885, subdivision 1a; 256.935; 256.962, subdivision 6; 256B.0943, subdivisions 4, 6, 9; 256F.13, subdivision 1; 260C.212, subdivisions 4a, 11; 261.035; 275.065, subdivisions 1, 3, 5a, 6; 279.01, subdivision 1; 279.10; 306.243, by adding a subdivision; 326B.145; 344.18; 365.28; 375.12, subdivision 2; 375.194, subdivision 5; 382.265; 383A.75, subdivision 3; 384.151, subdivision 1a; 385.373, subdivision 1a; 386.015, subdivision 2; 387.13; 387.20, subdivisions 1, 2; 429.041, subdivisions 1, 2; 465.719, subdivision 9; 469.015; 471.61, subdivision 1; 471.661; 473.13, subdivision 1; 473.862; 609.115, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 14; 245B; repealing Minnesota Statutes 2008, sections 120B.11, subdivisions 6, 7, 8; 120B.39; 121A.06; 122A.32; 122A.628; 122A.75; 123B.92, subdivision 5; 275.065, subdivisions 6b, 6c, 8, 9, 10; 373.42; 384.151, subdivisions 1, 3; 385.373, subdivisions 1, 3; 386.015, subdivisions 1, 4; 387.20, subdivision 4.

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 10, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Langseth	Pariseau	Skoe
Bakk	Doll	Latz	Pogemiller	Skogen
Berglin	Erickson Ropes	Lourey	Prettner Solon	Sparks
Betzold	Fischbach	Lynch	Rest	Stumpf
Bonoff	Fobbe	Marty	Robling	Tomassoni
Carlson	Foley	Metzen	Rosen	Torres Ray
Chaudhary	Frederickson	Moua	Rummel	Vickerman
Clark	Gimse	Murphy	Saltzman	Wiger
Cohen	Higgins	Olseen	Saxhaug	
Dahle	Johnson	Olson, G.	Scheid	
Day	Kelash	Olson, M.	Sheran	
Dibble	Kubly	Pappas	Sieben	

Those who voted in the negative were:

Gerlach	Ingebrigtsen	Koch	Michel	Senjem
Hann	Jungbauer	Limmer	Ortman	Vandevveer

So the bill passed and its title was agreed to.

S.F. No. 1486: A bill for an act relating to solid waste; amending reporting requirements for manufacturers and retailers of video display devices; limiting the amount of recycled electronics products that can be applied to future recycling obligations; amending Minnesota Statutes 2008, sections 115A.1314, subdivision 1; 115A.1316, subdivision 1; 115A.1318, subdivision 3.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 462: A bill for an act relating to public safety; expanding the current DWI ignition interlock device pilot program by two years and applying it statewide; amending Minnesota Statutes 2008, sections 169A.275, subdivision 7; 171.306, subdivisions 1, 3.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 489: A bill for an act relating to reverse mortgages; eliminating the requirement that a reverse mortgage becomes due when committed principal has been fully paid; mandating counseling by an independent housing agency; regulating lender default; imposing liability on a subsequent purchaser of a reverse mortgage; providing for a right of rescission; defining suitability; amending Minnesota Statutes 2008, section 47.58, subdivisions 1, 3, 8, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 58; 60A; 60K.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Jungbauer Limmer

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 reverted to the Orders of Business of Executive and Official Communications, Reports of Committees and Second Reading of Senate Bills.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 19, 2009

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

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

LEGISLATIVE - CITIZEN COMMISSION ON MINNESOTA RESOURCES

Alfred Berner, 18415 - 561st Ln., Good Thunder, in the county of Blue Earth, effective March 24, 2009, for a term that expires on January 7, 2013.

Norman Moody, P.O. Box 396, Hackensack, in the county of Cass, effective March 24, 2009, for a term that expires on January 7, 2013.

Elizabeth Wilkens, 1646 - 290th Ave., Mora, in the county of Kanabec, effective March 24, 2009,

to fulfill a term that expires on January 4, 2010.

(Referred to the Committee on Environment and Natural Resources.)

Sincerely,
Tim Pawlenty, Governor

REPORTS OF COMMITTEES

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

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

S.F. No. 1773: A bill for an act relating to environment; changing waste management reporting requirements; amending Minnesota Statutes 2008, section 115A.557, subdivision 3.

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

Delete everything after the enacting clause and insert:

"Section 1. **SCORE REPORTING.**

Subdivision 1. **2010 requirement.** The requirements for the report specified in Minnesota Statutes, section 115A.557, subdivision 3, paragraph (b), clause (2), that is due April 1, 2010, shall be abbreviated in scope. The information collected shall be sufficient for the commissioner to determine that counties have complied with the requirements of this subdivision.

Subd. 2. **Recommendations; report.** The commissioner of the Pollution Control Agency, in consultation with the Association of Minnesota Counties, the Solid Waste Administrators Association, the Solid Waste Management Coordinating Board, and other interested parties shall make recommendations to amend the reporting requirements under Minnesota Statutes, section 115A.557, subdivision 3, in ways that reduce the resources counties employ to collect the data reported, while insuring that estimation methods used to report data are consistent across counties and that the data reported is accurate and useful as a guide to solid waste management policy makers. The commissioner shall also make recommendations regarding the feasibility and desirability of multicounty reporting of the data. The commissioner's recommendations must be presented in a report submitted to the chairs and ranking minority members of the senate and house of representatives committees and divisions with primary jurisdiction over solid waste policy and finance no later than December 15, 2009."

Delete the title and insert:

"A bill for an act relating to the environment; allowing counties to make an abbreviated report in 2010; requiring a report to the legislature."

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

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

was referred

S.F. No. 1956: A bill for an act relating to environment; establishing a grant program for idling reduction technology purchases; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Delete everything after the enacting clause and insert:

"Section 1. [116.935] PUBLIC TRANSIT AGENCY DIESEL POLLUTION REDUCTION GRANTS.

Subdivision 1. **Authority and eligibility.** The commissioner may award a grant to any public transit agency in Minnesota for the purchase and installation costs of any equipment or fuel that results in decreased diesel pollution from transit vehicles, including but not limited to grants of up to 25 percent of the cost to purchase a hybrid bus.

Subd. 2. **Grants.** (a) Grant funds may be used by the recipient to purchase and install equipment or fuel or to purchase hybrid buses, if those purchases and installations will result in decreased emissions of one or more air contaminants from the bus on which it is installed or used or decreased energy use by the bus.

(b) The grant program in this section shall be implemented only if the agency receives federal funding under subdivision 3.

Subd. 3. **Federal funds.** The agency must submit an application or work with one or more public transit agencies in Minnesota to assist in the submission of an application to the federal Environmental Protection Agency for competitive grant funds made available under the federal Diesel Emission Reduction Act's National, Smartway or Emerging Technology Clean Diesel Grant Program, as specified in the American Recovery and Reinvestment Act of 2009, Public Law 111-5. The application must request funding for equipment or fuel proposed to be used by public transit agencies to reduce diesel pollution or to reduce energy use. Any funds awarded to the agency as a result of the application must be expended on the grant program described in this section.

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

Delete the title and insert:

"A bill for an act relating to environment; establishing grant program for assisting public transit agencies in Minnesota with efforts to reduce diesel pollution; proposing coding for new law in Minnesota Statutes, chapter 116."

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

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

S.F. No. 1698: A bill for an act relating to environment; modifying certain rulemaking authority; requiring a study; providing for legislative oversight; providing appointments; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. **STUDY REQUIRED.**

(a) The Department of Administration, in consultation with representatives from the Department of Natural Resources, Pollution Control Agency, Board of Water and Soil Resources, Environmental Quality Board, Department of Health, the Department of Agriculture, technical professionals with scientific expertise in water resources management, and other interested parties, shall conduct a study as provided in paragraph (b).

(b) The study must:

(1) consider scientific data, including the studies of the National Academy of Sciences relating to watersheds, total maximum daily loads (TMDL's), stormwater, and compensation for wetland loss under the Clean Water Act;

(2) identify current rules relating to water, the purpose of the rules, the statutory background of the rules, the outcomes the rules are intended to achieve, the costs of the rules to state and local government and to the private sector, and the rules' relationship to other state and federal laws, including requirements relating to training, development, public education, and recordkeeping;

(3) assess the pros and cons of a watershed approach to implementing statutory water management programs and regulations compared to state agency-administered programs and administrative rules;

(4) assess why some regulations are deemed appropriate for administration at the local level, for example, those relating to shorelands, floodplains, wild and scenic rivers, wetland conservation, feedlots, and subsurface sewage treatment systems, and others are not;

(5) identify redundancy between state and federal regulations;

(6) identify the current strategic decision making of the agencies individually and collectively to cooperate and coordinate in rulemaking and rule implementation to achieve more effective, efficient, and justifiable rules that result in the desired outcomes; and

(7) identify the rule assessment and evaluation process that supports the continuation of the various rules in whole or in part, including but not limited to:

(i) nondegradation standards;

(ii) consistent buffer requirements;

(iii) zoning setback requirements; and

(iv) water quality requirements.

(c) The commissioner must submit the study results and make recommendations to agencies listed under paragraph (a), and to the chairs and ranking minority party members of the senate and house of representatives committees and divisions having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2011."

Delete the title and insert:

"A bill for an act relating to the environment; requiring a study on state and local water management."

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

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

S.F. No. 1663: A bill for an act relating to natural resources; establishing the Minnesota Naturalist Corps; appropriating money for Minnesota Naturalist Corps, additional state park naturalists, and information centers and kiosks in state parks; proposing coding for new law in Minnesota Statutes, chapter 84.

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

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

S.F. No. 1203: A bill for an act relating to environment; establishing a grant program for idling reduction technology purchases; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 1, delete lines 7 to 11 and insert:

"Subdivision 1. **Definitions.** As used in this section:

(a) "Commercial motor vehicle" has the meaning given in section 169.011, subdivision 16, paragraphs (a), clauses (1), (2) and (4), and (b).

(b) "Idling reduction device" means equipment that is installed on a diesel-powered commercial motor vehicle to reduce long-duration idling and that is designed to provide heat, air conditioning, or electricity that would otherwise require operation of the main drive engine while the commercial motor vehicle is temporarily parked or stationary."

Page 2, after line 14, insert:

"(g) The grant program in this section shall be implemented only if the agency receives federal funding under subdivision 4.

Subd. 4. **Federal funds.** The agency must submit an application to the federal Environmental Protection Agency for competitive grant funds made available under the federal Diesel Emission Reduction Act's National, SmartWay or Emerging Technologies Clean Diesel Grant Program, as specified in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). The application must request funding to reduce the cost of purchasing and installing idling reduction devices in diesel-powered commercial vehicles. Any funds awarded to the agency as a result of the

application must be expended on the grant program described in this section.

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

Page 2, delete section 2

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. 1450: A bill for an act relating to plant closings; requiring oriented strand board facilities to be kept in salable operating conditions for one year after closing; requiring a maintenance plan.

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

Delete everything after the enacting clause and insert:

"Section 1. **[90.43] DUTY TO MAINTAIN WOOD PRODUCTS FACILITY.**

The owner or operator of a wood products facility shall maintain the facility in salable operating condition for at least two years after it permanently discontinues operation of the facility to ensure that public and utility investments in the facility are protected and that the facility's tax and other obligations to state and local governments and other residents of Minnesota created by contract or otherwise are satisfied. These obligations include, in addition to any other obligations, any obligation created by "the relief payment for timber sale permits" program created by Laws 2007, chapter 57, article 1, section 158. Specifically, and in addition to other obligations on an owner or operator, this section prohibits the permanent removal from the facility of equipment necessary for the facility's operation during the two-year period. The requirements of this section are enforceable on all owners and operators and successors of owners and operators and shall be enforced by the state in any action brought by the state or others, including actions in bankruptcy. The attorney general shall bring action to prevent a violation or threatened violation of this section. For the purpose of this section, "wood products facility" means a lumber or other company facility that employed more than 100 employees at the facility at any time in the five-year period immediately prior to discontinuing operations, had permits to harvest timber used in that operation, and manufactured products derived from wood at the facility.

EFFECTIVE DATE. This section is effective the day following final enactment and applies retroactively to the discontinuance of operation occurring on or after January 1, 2008."

Delete the title and insert:

"A bill for an act relating to economic development; taxation; requiring the maintenance of certain wood products facilities having certain state and local taxation and other obligations; proposing coding for new law in Minnesota Statutes, chapter 90."

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

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

S.F. No. 1882: A bill for an act relating to economic development; promoting a science and technology initiative; creating a commission; establishing a center; creating economic development grant programs; defining terms; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Delete everything after the enacting clause and insert:

"Section 1. **[116J.658] DEFINITIONS.**

Subdivision 1. **Definition.** For the purposes of sections 116J.6581 to 116J.6587, "SBIR/STTR" means Small Business Innovation Research and Small Business Technology Transfer programs.

Sec. 2. **[116J.6581] MINNESOTA SCIENCE AND TECHNOLOGY ECONOMIC DEVELOPMENT ASSISTANCE.**

(a) The commissioner of employment and economic development shall lead a public-private project with science and technology experts from public, academic, and private sectors to advise state agency collaboration to design, coordinate, and administer a strategic science and technology program for the state designed to promote the welfare of the people of the state, maximize the economic growth of the state, and create and retain jobs in the state's industrial base through enhancement of Minnesota's:

- (1) high technology research and development capabilities;
- (2) product and process innovation and commercialization;
- (3) high technology manufacturing capabilities;
- (4) science and technology business environment; and
- (5) science and technology workforce preparation.

(b) As part of the project, the commissioner shall guide and manage the state's investment in science and technology in the interest of the objectives described in paragraph (a).

(c) As part of the project, the commissioner of employment and economic development shall:

(1) contract with, retain the services of, or designate and fix the compensation of financial consultants, accountants, other consultants and advisors, and other independent contractors as may be necessary or desirable to carry out the objectives described in paragraph (a);

(2) make grants and loans to individuals, public agencies, private companies or organizations, or joint ventures for the broad range of activities related to science and technology advancement;

(3) recommend to the legislature a series of specific programs designed to address critical science and technology needs required to satisfy the objectives under paragraph (a) and recommend sufficient appropriation levels for the programs;

(4) determine the infrastructure and translational research requirements and appropriations needed to create public and private centers of innovation, initially the categories of nanotechnology,

bioinformatics, and biomass, and select appropriate academic scientists, engineers, and industry experts to design the centers and the centers' missions;

(5) establish a competitive process for the award of grants and loans designed to fund the most meritorious proposals and, when appropriate, provide for peer review of proposals;

(6) set forth a plan for periodic strategic assessments of the types of state investments in research, commercialization, and workforce development to create jobs and business opportunities in the state and produce the most beneficial long-term improvements to the economic well-being of Minnesotans;

(7) solicit input and comments from specialized industry, professional, and other relevant interest groups concerning the project's purposes;

(8) develop a series of metrics and measures that will be applied to evaluate the effectiveness of individual programs established under this section and to monitor and account for effectiveness of individual grants, awards, or loans made; and

(9) work to develop and recommend to the legislature processes for implementation of the Minnesota commercialization enhancement program, the Small Business Federal Grant Competitiveness Center, and other programs to advance Minnesota science and technology economic development.

(d) The commissioner of employment and economic development shall continuously assess its overall effectiveness, its individual component programs, and the mechanisms implemented to govern investments. The commissioner must report to the legislative committees having jurisdiction over science and technology and economic development issues on its activities and must recommend changes or additions to the project, based upon its annual assessment, including specific recommendations for necessary legislation.

Sec. 3. [116J.6583] SMALL BUSINESS FEDERAL GRANT COMPETITIVENESS CENTER.

Subdivision 1. **Creation.** (a) The Small Business Federal Grant Competitiveness Center is established in the Department of Employment and Economic Development, in cooperation and consultation with science and technology experts from public, academic, and private sectors.

(b) For purposes of this section, "the center" means the Small Business Federal Grant Competitiveness Center.

Subd. 2. **Duties.** The center shall recommend to the legislature ways to:

(1) focus on increasing science and technology jobs by increasing the funding success rate of Small Business Innovation Research and Small Business Technology Transfer programs (SBIR/STTR) and other federal grant and contract proposals, particularly as submitted by Minnesota development stage companies to the National Institutes of Health, the National Science Foundation, the Department of Defense, and other federal agencies;

(2) coordinate with technical assistance centers, trade organizations, regional economic development agencies, and corporations in Minnesota to maximize opportunities for small businesses and small business innovation research programs located in the state;

(3) set a performance objective of increasing the successful SBIR/STTR Phase I and Phase II programs and related federal grants and contracts awarded to businesses located in this state by 33 percent by July 31, 2011;

(4) provide the administrative management of any programs established to provide matching funds for SBIR/STTR or other federal grant awards to small businesses; and

(5) provide resources needed to meet the performance objective described in clause (3) by July 31, 2011. The resources may include but are not limited to the following:

(i) entering into contracts with grant writing and management consultants and technical consultants to provide services to small businesses for grant proposal preparation and award management, including presubmission technical review services where appropriate;

(ii) providing access to market research related to preparing commercialization plans for grant proposals;

(iii) providing training in federal grant financial management and reporting requirements, including using specific accounting software that may be required to meet reporting requirements;

(iv) facilitating access to university laboratories and researchers that may be needed to obtain technical information, assist the small business with research plan development, and provide access to analytical instrumentation, laboratories, animal testing, and any other resources that may be required either for grant proposal preparation or for collaborative research and subcontract development during the course of a funded grant project;

(v) providing free or subsidized access to technical and business library services that may be operated by the state, state-funded universities, and not-for-profit organizations in the state; and

(vi) developing other programs that may enhance the outcome success of Minnesota companies competing for federal grants.

Subd. 3. **Administration.** The center is located and operated within the Department of Employment and Economic Development. The staff of the Office of Science and Technology, supplemented by a support person and technical staff person, shall operate the center and prepare its initial business plan and program of services. The director of the Office of Science and Technology is executive director of the center. The development plan must include the percentage of funds used for grants, loans, and operating expenses.

Subd. 4. **Powers.** The center may exercise those powers, privileges, and authorities that the Department of Employment and Economic Development may invest in it.

Subd. 5. **Limitations.** The center shall not use any state funds to construct or renovate a building for its own use.

Sec. 4. **[116J.6585] MINNESOTA COMMERCIALIZATION ENHANCEMENT PROGRAM.**

Subdivision 1. **Program.** As part of the project as described in section 116J.6581, paragraph (a), the commissioner of employment and economic development shall plan for the establishment of the Minnesota commercialization enhancement program (MCEP) under the Department of Employment and Economic Development to support the commercialization of new products and

services created through SBIR/STTR research and development projects. The MCEP will be designed to provide commercialization costs and to otherwise reduce the time-to-commercial market of SBIR/STTR developed technologies.

Subd. 2. **Grants.** The Minnesota commercialization enhancement program shall be designed to award grants to enhance the likelihood of successful commercialization of new products and services resulting from SBIR/STTR program-supported research and development. The grants must be used to:

- (1) support thoughtfully structured commercialization plans of SBIR/STTR Phase II recipients;
- (2) accelerate and enhance commercial impacts of SBIR/STTR technologies; and
- (3) establish and enhance successful technology-based businesses in Minnesota.

Subd. 3. **Proposals.** (a) The MCEP must solicit proposals for projects involving an active Phase II contract or grant with a federal agency. Proposals must outline how the Minnesota commercialization enhancement program funds will be used to accelerate commercialization activities including, but not limited to, the following:

- (1) intellectual property protection;
- (2) market analysis;
- (3) business development;
- (4) cost engineering;
- (5) manufacturing planning; and
- (6) sourcing of materials, systems, or other partners.

(b) Requests for proposals must be posted in a timely manner on the Department of Employment and Economic Development's Web site and wherever else the commissioner deems necessary.

Subd. 4. **Eligibility.** An applicant is eligible for a Minnesota commercialization enhancement program grant if:

- (1) the applicant has a principal place of business in Minnesota;
- (2) the applicant is a small business that has received a SBIR/STTR Phase II award that is active at time of proposal submission;
- (3) at least 50 percent of the federal program dollars are expended prior to submission of a proposal;
- (4) the applicant provides evidence in the proposal of current progress toward achievement of Phase II objectives; and
- (5) the technology being commercialized is directly related to the technology funded under the SBIR/STTR Phase II award.

Subd. 5. **Limitations.** There is no limit as to the number of proposals that a single company may submit. However, only one grant per company may be awarded per award cycle, as established by

the commissioner.

Subd. 6. **Use of appropriation.** Depending on funding allocated to MCEP, the commissioner shall work with science and technology experts from public, academic, and private sectors to determine grant appropriation levels.

Sec. 5. REPORT.

(a) By January 1, 2010, the commissioner of employment and economic development must file a report to the legislature on its progress in implementing the project objectives under Minnesota Statutes, section 116J.6581, paragraph (a).

(b) By October 2010, the commissioner of employment and economic development shall submit to the governor and the legislature a recommendation for a permanent governance structure for an entity to manage the project under Minnesota Statutes, section 116J.6581, paragraph (a), whether that be a government commission, a not-for-profit economic development corporation, or some other alternative that will achieve the objectives listed under Minnesota Statutes, section 116J.6581, paragraph (a), as well as an expanded plan for the programs to be established under the project and the scope of appropriations and bonding that will be required to implement that plan.

(c) By January 2011, the commissioner of employment and economic development shall submit to the governor and the legislature a ten-year strategic science and technology plan for the state, together with its updated recommendations for the programs and scope of appropriations and bonding that will be required to implement and maintain the projects as described in Minnesota Statutes, section 116J.6581, paragraph (a)."

Delete the title and insert:

"A bill for an act relating to economic development; providing for efficient government involvement with future science- and technology-specific economic development; defining terms; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 116J."

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 re-referred

S.F. No. 225: A bill for an act relating to public health; protecting the health of children from toxic chemicals in products; authorizing the Department of Health to designate priority chemicals of high concern; requiring disclosure by manufacturers of children's products that contain priority chemicals; requiring the Pollution Control Agency to regulate the sale of children's products containing a priority chemical; allowing a waiver for specific uses; exempting certain chemicals and products from the requirements; requiring participation in an interstate clearinghouse; requiring reports to the legislature on implementation plans and comprehensive safe products framework; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 1, line 13, delete "116.9412" and insert "116.9407"

Page 4, delete lines 3 and 4

Page 4, line 5, delete "(2)" and insert "(1)"

Page 4, line 7, delete "(3)" and insert "(2)"

Page 4, line 9, delete "(4)" and insert "(3)"

Page 4, line 11, delete "(5)" and insert "(4)"

Page 4, line 13, delete "(6)" and insert "(5)"

Page 4, delete lines 15 and 16

Page 4, line 17, delete "(c)" and insert "(b)"

Pages 4 to 6, delete sections 4 to 6

Page 7, lines 1, 27, and 29, delete "116.9412" and insert "116.9407"

Page 7, line 11, delete everything after "retailers" and insert a semicolon

Page 7, delete lines 12 and 13

Page 8, delete lines 5 to 16 and insert:

"(a) By January 15, 2010, the department, in consultation with the agency, shall report to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over environment and natural resources policy, commerce, and public health regarding the progress on implementing sections 116.9401 to 116.9407, including methodologies for determining the availability of safer alternatives and designating priority chemicals, subject to manufacturer or distributor disclosure.

"(b) By January 15, 2010, the agency shall report to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over environment and natural resources policy, commerce, and public health on the agency's plans for mechanisms to reduce and phase out the use of priority chemicals in children's products, including potential funding mechanisms. The report must include information on the progress of other states in reducing toxic chemicals in children's products. In developing the report, the agency may consult outside experts and groups working to reduce toxic chemicals in children's products in Minnesota and nationally."

Page 8, line 18, delete "10" and insert "7"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to public health; requiring identification of certain harmful chemicals in children's products; requiring participation in interstate chemicals clearinghouse; requiring certain reports to the legislature; proposing coding for new law in Minnesota Statutes, chapter 116."

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

SECOND READING OF SENATE BILLS

S.F. No. 1773 was read the second time.

RECESS

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

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

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 Executive and Official Communications and Messages From the House.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 6, 2009

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 95 and 832.

Sincerely,
Tim Pawlenty, Governor

April 6, 2009

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2009 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2009	Date Filed 2009
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JOURNAL OF THE SENATE

[32ND DAY

95	13	3:21 p.m. April 6	April 6
832	14	3:23 p.m. April 6	April 6

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 451, 743, 811 and 896.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 7, 2009

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 855:

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

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Hausman, Scalze, Wagenius, Rukavina and Howes have been appointed as such committee on the part of the House.

House File No. 855 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 7, 2009

Senator Pogemiller, for Senator Langseth, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 855, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

RECESS

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

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

APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 855: Senators Langseth, Day, Tomassoni, Lynch and Sieben.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senator Koering was excused from the Session of today at 11:00 a.m. Senator Cohen was excused from the Session of today at 1:00 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Tuesday, April 14, 2009. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

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Tuesday, April 7, 2009

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