

SIXTY-THIRD DAY

St. Paul, Minnesota, Sunday, May 22, 2011

The Senate met at 4:00 p.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Gary W. Kubly.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

Bakk	Gerlach	Kubly	Nienow	Sieben
Benson	Gimse	Langseth	Olson	Skoe
Berglin	Goodwin	Latz	Ortman	Sparks
Bonoff	Hall	Lillie	Pappas	Stumpf
Brown	Hann	Limmer	Parry	Thompson
Carlson	Harrington	Lourey	Pederson	Tomassoni
Chamberlain	Higgins	Magnus	Pogemiller	Torres Ray
Cohen	Hoffman	Marty	Reinert	Vandever
Dahms	Howe	McGuire	Rest	Wiger
Daley	Ingebrigtsen	Metzen	Robling	Wolf
DeKruif	Jungbauer	Michel	Rosen	
Dibble	Kelash	Miller	Saxhaug	
Fischbach	Koch	Nelson	Senjem	
Gazelka	Kruse	Newman	Sheran	

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.

May 22, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committees and placed on the Confirmation Calendar:

From the Committee on Education, to which were referred the following appointments as reported in the Journal for January 10, 2011:

BOARD OF THE PERPICH CENTER FOR ARTS EDUCATION

Peter Adolphson
Stephan Daly
Verna Hasbargen
Roberta Jones
Todd Liljenquist
Mary Ann E. Nelson
Alex Plechash
Martha Weaver West

From the Committee on Environment and Natural Resources, to which were referred the following appointments as reported in the Journal for January 10, 2011:

BOARD OF WATER AND SOIL RESOURCES

CHAIR

Brian G. Napstad

CLEAN WATER COUNCIL

Mark R. Knoff

LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

Thomas Cook
Elizabeth A. Wilkens

MINNESOTA POLLUTION CONTROL AGENCY

Eric Gustafson
Mary Riley
Donald K. Schiefelbein

From the Committee on Higher Education, to which were referred the following appointments as reported in the Journal for January 10, 2011:

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

Tammy L. H. McGee
David D. Rowland
Michael Ranum
Janet Withoff

From the Committee on Jobs and Economic Growth, to which were referred the following appointments as reported in the Journal for January 10, 2011:

BOARD OF ELECTRICITY

James Freichels

William Hoskins
Kim Huxford
John McConnell
Jeffrey J. Slimmer
Anthony Toft

From the Committee on State Government Innovation and Veterans, to which were referred the following appointments as reported in the Journal for January 10, 2011:

BOARD OF THE ARTS

Andrew Berryhill
Pamela Perri Weaver

GAMBLING CONTROL BOARD

Geno Fragnito
Susan McCarville
Gary Sigfrinius

MINNESOTA RACING COMMISSION

Mark A. Urista

Sincerely,
Cal R. Ludeman
Secretary of the Senate

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1308.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 21, 2011

Madam President:

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

S.F. No. 1045: A bill for an act relating to commerce; regulating continuing education requirements, insurance coverages, adjusters, and appraisers; amending Minnesota Statutes 2010, sections 45.011, subdivision 1; 45.25, by adding subdivisions; 45.30, subdivision 7, by adding a subdivision; 45.35; 60K.56, subdivision 6; 62A.095, subdivision 1; 62A.318, subdivision 17; 62E.14, subdivision 3, by adding a subdivision; 62L.03, subdivision 3; 72B.041, subdivision 5; 79A.06, subdivision 5; 79A.24, by adding subdivisions; 82.641, subdivision 1; 82B.11, subdivision 6; 82B.13, by adding a subdivision; 82B.14; 82C.08, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 45; 72B; repealing Minnesota Statutes 2010, section 45.25,

subdivision 3.

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

Hoppe, Sanders and Lillie.

Senate File No. 1045 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 21, 2011

Madam President:

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

S.F. No. 1280: A bill for an act relating to employment; providing notice of sharing of gratuities and authorizing employers to safeguard and disburse shared gratuities; amending Minnesota Statutes 2010, section 177.24, subdivision 3.

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

Anderson, S.; O'Driscoll and Stensrud.

Senate File No. 1280 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 21, 2011

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1381:

H.F. No. 1381: A bill for an act relating to education; providing for policy for prekindergarten through grade 12 education, including general education, education excellence, special programs, facilities and technology, accounting, early childhood education, and student transportation; amending Minnesota Statutes 2010, sections 11A.16, subdivision 5; 13.32, subdivision 6; 119A.50, subdivision 3; 120A.22, subdivision 11; 120A.24; 120A.40; 120B.023, subdivision 2; 120B.11; 120B.12; 120B.30, subdivisions 1, 3, 4; 120B.31, subdivision 4; 120B.36, subdivisions 1, 2; 121A.15, subdivision 8; 121A.17, subdivision 3; 122A.09, subdivision 4; 122A.14, subdivision 3; 122A.16, as amended; 122A.18, subdivision 2; 122A.23, subdivision 2; 122A.40, subdivisions 5, 11, by adding a subdivision; 122A.41, subdivisions 1, 2, 5a, 10, 14; 123B.143, subdivision 1; 123B.147, subdivision 3; 123B.41, subdivisions 2, 5; 123B.57; 123B.63, subdivision 3; 123B.71, subdivision 5; 123B.72, subdivision 3; 123B.75, subdivision 5; 123B.88, by adding a subdivision; 123B.92, subdivisions 1, 5; 124D.091, subdivision 2; 124D.36; 124D.37; 124D.38, subdivision 3; 124D.385, subdivision 3; 124D.39; 124D.40; 124D.42, subdivisions 6, 8; 124D.44; 124D.45, subdivision 2; 124D.52, subdivision 7; 124D.871; 125A.02, subdivision 1; 125A.15; 125A.51;

125A.79, subdivision 1; 126C.10, subdivision 8a; 126C.15, subdivision 2; 126C.41, subdivision 2; 127A.30, subdivision 1; 127A.42, subdivision 2; 127A.43; 127A.45, by adding a subdivision; 171.05, subdivision 2; 171.17, subdivision 1; 171.22, subdivision 1; 181A.05, subdivision 1; Laws 2011, chapter 5, section 1; proposing coding for new law in Minnesota Statutes, chapter 120B; repealing Minnesota Statutes 2010, sections 120A.26, subdivisions 1, 2; 124D.38, subdivisions 4, 5, 6; 125A.54; 126C.457.

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

Erickson, Doepke, Downey, Myhra and Mariani have been appointed as such committee on the part of the House.

House File No. 1381 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 May 21, 2011

Senator Olson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1381, 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.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Howe, Magnus, Kubly, Harrington and Newman introduced—

S.F. No. 1466: A resolution urging the President and Congress of the United States to pardon We-Chank-Wash-ta-don-pee, also known as Chaska.

Referred to the Committee on Judiciary and Public Safety.

Senators Berglin and Lourey introduced—

S.F. No. 1467: A bill for an act relating to human services; reducing the administrative costs to managed care plans and county-based purchasing plans under the medical assistance program and the administrative payments to third-party administrators that administer the state employee group insurance plan; modifying personal care assistance services; creating a withhold to managed care plans and county-based purchasing plans for reducing hospitalizations; modifying the emergency room utilization rate withhold to managed care plans; delaying capitation payments for single adults without children in MinnesotaCare; creating demonstration projects for the delivery of health care services to certain medical assistance populations; limiting home and community-based waiver services allocations; requiring the commissioner of human services to issue a request for proposals to provide claims processing services for the fee-for-service medical assistance program; amending

Minnesota Statutes 2010, sections 43A.23, subdivision 1; 256B.0625, subdivision 19a; 256B.0652, subdivision 6; 256B.69, subdivisions 5a, 5i, 28; 256L.12, subdivision 9; Laws 2009, chapter 79, article 13, section 3, subdivision 8, as amended.

Referred to the Committee on Health and Human Services.

Senator Limmer introduced—

S.F. No. 1468: A bill for an act relating to public safety; providing a uniform use of force standard for peace officers; amending Minnesota Statutes 2010, sections 609.06, by adding subdivisions; 626.8452, subdivision 1.

Referred to the Committee on Judiciary and Public Safety.

Senator Higgins introduced—

S.F. No. 1469: A bill for an act relating to health; establishing a sexual violence working group; amending school violence prevention curriculum; requiring reports; amending Minnesota Statutes 2010, section 120B.22.

Referred to the Committee on Education.

Senator Bakk introduced—

S.F. No. 1470: A bill for an act relating to taxation; modifying the ownership requirements that apply to certain homestead resorts; amending Minnesota Statutes 2010, section 273.13, subdivision 22.

Referred to the Committee on Taxes.

Senators Berglin and Lourey introduced—

S.F. No. 1471: A bill for an act relating to human services; modifying foster care housing settings; establishing local planning grants; reducing lead agency waiver allocations; reducing rates for congregate living setting in certain situations; amending Minnesota Statutes 2010, section 245A.03, subdivision 7.

Referred to the Committee on Health and Human Services.

Senators Berglin and Lourey introduced—

S.F. No. 1472: A bill for an act relating to human services; modifying housing provisions for certain home and community-based service waiver recipients; amending Minnesota Statutes 2010, sections 256B.0911, subdivision 3a, as amended if enacted; 256B.49, subdivision 15, by adding subdivisions; 256I.04, subdivision 2a.

Referred to the Committee on Health and Human Services.

Senators Berglin and Lourey introduced–

S.F. No. 1473: A bill for an act relating to human services; directing the commissioner to seek federal approval of the Community First Choice Option for disabled or aging individuals; modifying rates for providers of certain waived and personal care assistance services.

Referred to the Committee on Health and Human Services.

MOTIONS AND RESOLUTIONS

Senator Lourey moved that the name of Senator Stumpf be added as a co-author to S.F. No. 491. The motion prevailed.

Senator Bonoff moved that H.F. No. 191 be withdrawn from the Committee on State Government Innovation and Veterans, given a second reading, and placed on General Orders. The motion prevailed.

H.F. No. 191 was read the second time.

RECESS

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

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

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 477, 612, 881, 799 and 1159.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 22, 2011

Madam President:

I have the honor to announce the passage by the House of the following Senate File, AS

AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1197: A bill for an act relating to energy; modifying provisions related to utility report filings, weatherization programs, and public utility commission assessments; removing obsolete and redundant language; providing for nuclear power plant decommissioning and storage of used nuclear fuel; providing for certain reporting requirements; defining certain terms; requiring utility rates be based primarily on cost of service between and among consumer classes; exempting certain gas customers from the conservation improvement program; making clarifying and technical changes; authorizing the Public Utilities Commission to approve a multiyear rate plan for certain utilities; providing for cost recovery for certain pollution control products; requiring certain rate impact information related to compliance with renewable energy standard; modifying conservation improvement program; modifying provision relating to transmission projects reports; regulating charitable contributions and securities issuance by utilities; relieving Energy Conservation Information Center from certain data-gathering responsibilities; amending Minnesota Statutes 2010, sections 16E.15, subdivision 2; 216B.02, by adding a subdivision; 216B.026, subdivision 1; 216B.03; 216B.07; 216B.16, subdivisions 6b, 7, 9, 15, by adding subdivisions; 216B.1636, subdivision 1; 216B.1691, subdivision 1, by adding a subdivision; 216B.2401; 216B.241, subdivisions 1, 1a, 1c, 2; 216B.2425, subdivision 2; 216B.49, subdivision 3; 216C.11; 216C.264; 216E.18, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 216B; repealing Minnesota Statutes 2010, section 216B.242.

Senate File No. 1197 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 22, 2011

CONCURRENCE AND REPASSAGE

Senator Rosen moved that the Senate concur in the amendments by the House to S.F. No. 1197 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1197 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Bakk	Gerlach	Kruse	Nelson	Senjem
Benson	Gimse	Kubly	Newman	Sheran
Brown	Hall	Langseth	Nienow	Skoe
Carlson	Hann	Lillie	Olson	Sparks
Chamberlain	Harrington	Limmer	Ortman	Stumpf
Dahms	Hoffman	Lourey	Parry	Thompson
Daley	Howe	Magnus	Pederson	Tomassoni
DeKruif	Ingebrigtsen	Metzen	Robling	Vanderveer
Fischbach	Jungbauer	Michel	Rosen	Wolf
Gazelka	Koch	Miller	Saxhaug	

Those who voted in the negative were:

Bonoff	Higgins	McGuire	Rest
Cohen	Kelash	Pappas	Sieben
Dibble	Latz	Pogemiller	Torres Ray
Goodwin	Marty	Reinert	Wiger

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

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

S.F. No. 712: A bill for an act relating to state lands; establishing adopt-a-WMA program; adding to and deleting from state parks, state recreation areas, state forests, and state wildlife management areas; authorizing public and private sales of certain surplus and tax-forfeited lands; amending Minnesota Statutes 2010, sections 85.052, subdivision 4; 89.021, subdivision 48; proposing coding for new law in Minnesota Statutes, chapter 97A.

Senate File No. 712 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 22, 2011

CONCURRENCE AND REPASSAGE

Senator Carlson moved that the Senate concur in the amendments by the House to S.F. No. 712 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 712 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Kruse	Nelson	Saxhaug
Benson	Gimse	Kubly	Newman	Senjem
Bonoff	Goodwin	Langseth	Nienow	Sheran
Brown	Hall	Latz	Olson	Sieben
Carlson	Hann	Lillie	Ortman	Skoe
Chamberlain	Harrington	Limmer	Pappas	Sparks
Cohen	Higgins	Lourey	Parry	Stumpf
Dahms	Hoffman	Magnus	Pederson	Thompson
Daley	Howe	Marty	Pogemiller	Tomassoni
DeKruif	Ingebrigtsen	McGuire	Reinert	Torres Ray
Dibble	Jungbauer	Metzen	Rest	Vandever
Fischbach	Kelash	Michel	Robling	Wiger
Gazelka	Koch	Miller	Rosen	Wolf

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 86, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 86: A bill for an act relating to energy; removing ban on increased carbon dioxide emissions by utilities; amending Minnesota Statutes 2010, section 216H.02, subdivision 4; repealing Minnesota Statutes 2010, section 216H.03.

Senate File No. 86 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 22, 2011

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1023:

H.F. No. 1023: A bill for an act relating to judiciary; modifying certain provisions relating to courts, the sharing and release of certain data, juvenile delinquency proceedings, child support calculations, protective orders, wills and trusts, property interests, protected persons and wards, receiverships, assignments for the benefit of creditors, notice regarding civil rights, and seat belts; amending Minnesota Statutes 2010, sections 13.82, by adding a subdivision; 13.84, subdivision 6; 169.686, subdivision 1; 169.79, subdivision 6; 169.797, subdivision 4; 203B.06, subdivision 3; 260B.163, subdivision 1; 260C.331, subdivision 3; 279.37, subdivision 8; 302A.753, subdivisions 2, 3; 302A.755; 302A.759, subdivision 1; 302A.761; 308A.945, subdivisions 2, 3; 308A.951; 308A.961, subdivision 1; 308A.965; 308B.935, subdivisions 2, 3; 308B.941; 308B.951, subdivision 1; 308B.955; 316.11; 317A.255, subdivision 1; 317A.753, subdivisions 3, 4; 317A.755; 317A.759, subdivision 1; 322B.836, subdivisions 2, 3; 322B.84; 357.021, subdivision 6; 359.061, subdivisions 1, 2; 462A.05, subdivision 32; 469.012, subdivision 2i; 514.69; 514.70; 518.552, by adding a subdivision; 518A.29; 518B.01, subdivision 8; 524.2-712; 524.2-1103; 524.2-1104; 524.2-1106; 524.2-1107; 524.2-1114; 524.2-1115; 524.2-1116; 524.5-502; 525.091, subdivisions 1, 3; 540.14; 559.17, subdivision 2; 576.04; 576.06; 576.08; 576.09; 576.11; 576.121; 576.123; 576.144; 576.15; 576.16; proposing coding for new law in Minnesota Statutes, chapters 5B; 201; 243; 576; 577; 630; repealing Minnesota Statutes 2010, sections 302A.759, subdivision 2; 308A.961, subdivision 2; 308B.951, subdivisions 2, 3; 317A.759, subdivision 2; 576.01; 577.01; 577.02; 577.03; 577.04; 577.05; 577.06; 577.08; 577.09; 577.10.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Smith, Shimanski and Johnson have been appointed as such committee on the part of the House.

House File No. 1023 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 May 22, 2011

Senator Limmer moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1023, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

RECESS

Senator Koch 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 Koch 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. 1381: Senators Olson, Nelson, DeKruif, Bonoff, Daley.

H.F. No. 1234: Senators Carlson, Parry, Gazelka.

H.F. No. 1011: Senators Ingebrigtsen, Pederson, Skoe.

H.F. No. 1023: Senators Limmer, Harrington, Newman.

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 954, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 954 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 22, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 954

A bill for an act relating to counties; providing a process for making certain county offices appointive in Kittson County.

May 21, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 954 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 954 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **KITTSON, MARSHALL COUNTY OFFICES MAY BE APPOINTED.**

Subdivision 1. **Authority to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Kittson County Board of Commissioners or the Marshall County Board of Commissioners, the respective offices of county recorder and county auditor-treasurer in that county are not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition, referendum.** (a) Before the adoption of the resolution to provide for the appointment of the county recorder and county auditor-treasurer, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment opportunity, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county recorder and county auditor-treasurer as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ten percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county recorder and county auditor-treasurer must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if (1) the position has been an appointed position for at least three years, (2) a petition signed by at least ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held, and (3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for that office must be held at the next regular or special election.

EFFECTIVE DATE. This section is effective as to Marshall County the day after the Marshall County Board of Commissioners and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. This section is effective as to Kittson County the day after the Kittson County Board of Commissioners and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Delete the title and insert:

"A bill for an act relating to counties; providing a process for making certain county offices appointive in the counties of Kittson and Marshall."

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

House Conferees: Dan Fabian, Debra Kiel

Senate Conferees: LeRoy A. Stumpf, Claire A. Robling, Doug Magnus

Senator Stumpf moved that the foregoing recommendations and Conference Committee Report on H.F. No. 954 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 954 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

Bakk	Howe	Marty	Rest	Stumpf
Benson	Jungbauer	McGuire	Robling	Torres Ray
Bonoff	Kelash	Metzen	Rosen	Vandever
Cohen	Kubly	Ortman	Saxhaug	Wiger
Dibble	Langseth	Pappas	Senjem	
Goodwin	Latz	Pederson	Sheran	
Harrington	Lourey	Pogemiller	Sieben	
Higgins	Magnus	Reinert	Sparks	

Those who voted in the negative were:

Brown	Fischbach	Hoffman	Michel	Parry
Carlson	Gazelka	Ingebrigtsen	Miller	Thompson
Chamberlain	Gerlach	Koch	Nelson	Tomassoni
Dahms	Gimse	Kruse	Newman	Wolf
Daley	Hall	Lillie	Nienow	
DeKruif	Hann	Limmer	Olson	

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1144, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1144 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 22, 2011

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1144

A bill for an act relating to state government; providing for limited reinstatement of coverage in state employee group insurance program.

May 22, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 1144 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments

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

House Conferees: Tony Cornish, Steve Smith, Tom Anzelc

Senate Conferees: John J. Carlson, Ted H. Lillie

Senator Carlson moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1144 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1144 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Bakk	Hann	Latz	Pappas	Skoe
Benson	Harrington	Lillie	Parry	Sparks
Bonoff	Higgins	Lourey	Pederson	Stumpf
Carlson	Howe	Magnus	Pogemiller	Tomassoni
Cohen	Ingebrigtsen	Marty	Reinert	Torres Ray
Dibble	Jungbauer	McGuire	Rest	Wiger
Fischbach	Kelash	Metzen	Robling	Wolf
Gazelka	Koch	Michel	Saxhaug	
Gimse	Kruse	Miller	Senjem	
Goodwin	Kubly	Olson	Sheran	
Hall	Langseth	Ortman	Sieben	

Those who voted in the negative were:

Brown	Daley	Hoffman	Newman	Thompson
Chamberlain	DeKruif	Limmer	Nienow	Vanderveer
Dahms	Gerlach	Nelson	Rosen	

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

MOTIONS AND RESOLUTIONS - CONTINUED

RECONSIDERATION

Having voted on the prevailing side, Senator Rosen moved that the vote whereby S.F. No. 1197 was passed by the Senate on May 22, 2011, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 1197 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 52 and nays 13, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Kubly	Nienow	Sheran
Benson	Gimse	Langseth	Olson	Skoe
Bonoff	Hall	Lillie	Ortman	Sparks
Brown	Hann	Limmer	Parry	Stumpf
Carlson	Harrington	Lourey	Pederson	Thompson
Chamberlain	Hoffman	Magnus	Reinert	Tomassoni
Dahms	Howe	Metzen	Rest	Vandever
Daley	Ingebrigtsen	Michel	Robling	Wolf
DeKruif	Jungbauer	Miller	Rosen	
Fischbach	Koch	Nelson	Saxhaug	
Gazelka	Kruse	Newman	Senjem	

Those who voted in the negative were:

Cohen	Higgins	Marty	Pogemiller	Wiger
Dibble	Kelash	McGuire	Sieben	
Goodwin	Latz	Pappas	Torres Ray	

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

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

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

H.F. Nos. 264 and 232 .

SPECIAL ORDER

H.F. No. 264: A bill for an act relating to civil actions; prohibiting actions against certain persons for weight gain as a result of consuming certain foods; proposing coding for new law in Minnesota Statutes, chapter 604.

Senator Hann moved that the amendment made to H.F. No. 264 by the Committee on Rules and Administration in the report adopted May 21, 2011, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 264 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 34 and nays 31, as follows:

Those who voted in the affirmative were:

Benson	DeKruif	Gimse	Howe	Lillie
Carlson	Fischbach	Hall	Ingebrigtsen	Limmer
Dahms	Gazelka	Hann	Koch	Magnus
Daley	Gerlach	Hoffman	Kruse	Michel

Miller
Nelson
Nienow

Olson
Ortman
Parry

Pederson
Reinert
Robling

Rosen
Senjem
Thompson

Vandever
Wolf

Those who voted in the negative were:

Bakk
Bonoff
Brown
Chamberlain
Cohen
Dibble
Goodwin

Harrington
Higgins
Jungbauer
Kelash
Kubly
Langseth
Latz

Lourey
Marty
McGuire
Metzen
Newman
Pappas
Pogemiller

Rest
Saxhaug
Sheran
Sieben
Skoe
Sparks
Stumpf

Tomassoni
Torres Ray
Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 232: A bill for an act relating to state government; expanding eligibility for gold star license plates to surviving legal guardians and siblings; regulating certain motor vehicle fees; regulating the Department of Veterans Affairs and veterans homes; amending Minnesota Statutes 2010, sections 168.1253, subdivision 1; 168.33, subdivision 7; 171.06, subdivision 2; 198.261; 299A.705, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 196.

Senator Sheran moved to amend H.F. No. 232, as amended pursuant to Rule 45, adopted by the Senate May 21, 2011, as follows:

(The text of the amended House File is identical to S.F. No. 179.)

Page 1, line 11, after "guardian" insert ", child"

Page 1, line 12, after the period, insert "For purposes of this section, an eligibility relationship may be established by birth or adoption."

The motion prevailed. So the amendment was adopted.

H.F. No. 232 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk
Benson
Bonoff
Brown
Carlson
Chamberlain
Cohen
Dahms
Daley
DeKruif
Dibble
Fischbach
Gazelka

Gerlach
Gimse
Goodwin
Hall
Hann
Harrington
Higgins
Hoffman
Howe
Ingebrigtsen
Jungbauer
Kelash
Koch

Kruse
Kubly
Langseth
Latz
Lillie
Limmer
Lourey
Magnus
Marty
McGuire
Metzen
Michel
Miller

Nelson
Newman
Nienow
Olson
Ortman
Pappas
Parry
Pederson
Pogemiller
Reinert
Rest
Robling
Rosen

Saxhaug
Senjem
Sheran
Sieben
Skoe
Sparks
Stumpf
Thompson
Tomassoni
Torres Ray
Vandever
Wiger
Wolf

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

MOTIONS AND RESOLUTIONS - CONTINUED**CONFIRMATION**

Senator Vandever moved that the report from the Committee on Local Government and Elections, reported May 19, 2011, pertaining to appointments to the Campaign Finance and Public Disclosure Board, be taken from the table. The motion prevailed.

Senator Vandever moved that the foregoing report be now adopted. The motion prevailed.

Senator Vandever moved that in accordance with the report from the Committee on Local Government and Elections, reported May 19, 2011, the Senate, having given its advice, do now consent to and confirm the appointment of:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Andrew Luger, 1710 Colfax Ave. S., Minneapolis, Hennepin County, effective March 14, 2011, for a term expiring on January 5, 2015.

Deanna Wiener, 7889 - 15th St. N., Oakdale, Washington County, effective March 22, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointments were confirmed.

MEMBERS EXCUSED

Senator Scheid was excused from the Session of today. Senator Berglin was excused from the Session of today at 9:00 p.m.

ADJOURNMENT

Senator Koch moved that the Senate do now adjourn until 10:00 a.m., Monday, May 23, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate