The House of Representatives convened at 9:30 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Paul Rogers, House Chaplain.

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

The roll was called and the following members were present:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Dill</th>
<th>Hilstrom</th>
<th>Lieder</th>
<th>Ozment</th>
<th>Solberg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson, B.</td>
<td>Dittrich</td>
<td>Hilty</td>
<td>Lillie</td>
<td>Paulsen</td>
<td>Svigum</td>
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<tr>
<td>Anderson, S.</td>
<td>Dominguez</td>
<td>Holberg</td>
<td>Loeffler</td>
<td>Paymar</td>
<td>Swails</td>
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<td>Anzelc</td>
<td>Doty</td>
<td>Hoppe</td>
<td>Madore</td>
<td>Pelowski</td>
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<td>Atkins</td>
<td>Eastlund</td>
<td>Hornstein</td>
<td>Magnus</td>
<td>Peppin</td>
<td>Thissen</td>
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<td>Beard</td>
<td>Eken</td>
<td>Hortman</td>
<td>Mahoney</td>
<td>Peterson, A.</td>
<td>Tillberry</td>
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<tr>
<td>Benson</td>
<td>Emmer</td>
<td>Hosch</td>
<td>Mariani</td>
<td>Peterson, N.</td>
<td>Tingelstad</td>
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<td>Berns</td>
<td>Erhardt</td>
<td>Howes</td>
<td>Marquart</td>
<td>Peterson, S.</td>
<td>Tschumper</td>
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<td>Bigham</td>
<td>Erickson</td>
<td>Huntley</td>
<td>Masin</td>
<td>Poppe</td>
<td>Urda</td>
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<td>Bly</td>
<td>Faust</td>
<td>Jaros</td>
<td>McFarlane</td>
<td>Rukavina</td>
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<td>Brod</td>
<td>Finstad</td>
<td>Johnson</td>
<td>McNamara</td>
<td>Ruth</td>
<td>Walker</td>
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<td>Brown</td>
<td>Fritz</td>
<td>Juhnke</td>
<td>Moe</td>
<td>Ruud</td>
<td>Ward</td>
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<tr>
<td>Brynaert</td>
<td>Gardner</td>
<td>Kahn</td>
<td>Morgan</td>
<td>Sailer</td>
<td>Wardlow</td>
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<td>Buesgens</td>
<td>Garofalo</td>
<td>Kalin</td>
<td>Morrow</td>
<td>Scalze</td>
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<td>Bunn</td>
<td>Gottwald</td>
<td>Knuth</td>
<td>Mullery</td>
<td>Seifert</td>
<td>Westrom</td>
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<td>Carlson</td>
<td>Greiling</td>
<td>Koenen</td>
<td>Murphy, E.</td>
<td>Seiver</td>
<td>Winkler</td>
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<tr>
<td>Clark</td>
<td>Gunther</td>
<td>Kohls</td>
<td>Murphy, M.</td>
<td>Shemanski</td>
<td>Wollschlager</td>
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<tr>
<td>Cornish</td>
<td>Hackbarth</td>
<td>Kranz</td>
<td>Nelson</td>
<td>Simon</td>
<td>Zellers</td>
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<td>Davnie</td>
<td>Hamilton</td>
<td>Laine</td>
<td>Nornes</td>
<td>Spk. Kelliher</td>
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<tr>
<td>Dean</td>
<td>Hansen</td>
<td>Lanning</td>
<td>Norton</td>
<td>Simpson</td>
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<td>DelaForest</td>
<td>Haussman</td>
<td>Lenczewski</td>
<td>Olin</td>
<td>Slawik</td>
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<td>Demmer</td>
<td>Haws</td>
<td>Lesch</td>
<td>Olson</td>
<td>Slocum</td>
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<tr>
<td>Dettmer</td>
<td>Heidgerken</td>
<td>Liebling</td>
<td>Otremba</td>
<td>Smith</td>
<td></td>
</tr>
</tbody>
</table>

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Urdahl moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.
Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

The House recessed for a brief program to celebrate the Seventeenth of May as Syttende Mai, Norway's Constitution Day.

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Thissen.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

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

<table>
<thead>
<tr>
<th>S. F. No.</th>
<th>H. F. No.</th>
<th>Session Laws Chapter No.</th>
<th>Time and Date Approved</th>
<th>Date Filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1464</td>
<td>71</td>
<td></td>
<td>12:54 p.m. May 15</td>
<td>May 15</td>
</tr>
<tr>
<td>585</td>
<td>75</td>
<td></td>
<td>12:56 p.m. May 15</td>
<td>May 15</td>
</tr>
</tbody>
</table>

Sincerely,

MARK RITCHIE
Secretary of State
INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Severson, Haws, Wardlow, Dettmer and Gottwalt introduced:

H. F. No. 2492, A bill for an act relating to veterans; providing for issuance of certain hunting and fishing licenses to eligible veterans without payment of fees; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 97A; 197.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Clark; Walker; Huntley; Murphy, E.; Thao; Abeler; Thissen; Loeffler and Kelliher introduced:

H. F. No. 2493, A bill for an act relating to human services; regulating sober houses; amending Minnesota Statutes 2006, sections 504B.001, subdivision 7; 626.5572, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 254A; 462; 504B.

The bill was read for the first time and referred to the Committee on Finance.

Severson, Haws, Wardlow, Dettmer and Gottwalt introduced:

H. F. No. 2494, A bill for an act relating to family law; prohibiting a court from considering a parent's military status when determining or modifying a legal or physical custody order for a child or determining or modifying parenting time orders upon a parent's discharge from active military service; amending Minnesota Statutes 2006, sections 257C.04, by adding a subdivision; 518.003, by adding a subdivision; 518.17, subdivisions 1, 2; 518.175, by adding a subdivision; 518.18; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Kranz, Hortman, Demmer, Tillberry, Moe, Ward and Atkins introduced:

H. F. No. 2495, A bill for an act relating to capital improvements; appropriating money for public ice facilities; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Koenen introduced:

H. F. No. 2496, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to upgrade the electrical system of the Yellow Medicine County Agriculture and Transportation Museum.

The bill was read for the first time and referred to the Committee on Finance.
Eken introduced:

H. F. No. 2497, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 9; authorizing a council to establish salaries for legislators; changing the composition of the Citizen Compensation Council; amending Minnesota Statutes 2006, section 15A.082, subdivisions 1, 2, 3.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Sailer, Howes and Eken introduced:

H. F. No. 2498, A bill for an act relating to capital improvements; appropriating money for renovation of the historic courthouse building in Hubbard County; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Atkins introduced:


The bill was read for the first time and referred to the Committee on Commerce and Labor.

Buesgens; Hackbarth; Zellers; Anderson, B., and Emmer introduced:

H. F. No. 2500, A bill for an act relating to taxation; temporarily suspending imposition of the gasoline and special fuel tax.

The bill was read for the first time and referred to the Committee on Taxes.

Jaros, Kahn, Erhardt, Pelowski, Huntley and Tschumper introduced:

H. F. No. 2501, A bill for an act relating to game and fish; prohibiting the taking of mourning doves; amending Minnesota Statutes 2006, sections 97A.015, subdivision 24; 97B.731, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Haws introduced:

H. F. No. 2502, A bill for an act relating to taxation; sales tax; providing an exemption for materials and supplies used in the construction of police and fire stations in St. Cloud; amending Minnesota Statutes 2006, section 297A.71, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.
FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 464.

H. F. No. 464 was reported to the House.

Brynaert, Kahn, Benson, Greiling, Lillie, Norton, McFarlane, Loeffler, Slawik, Ruud and Bunn moved to amend H. F. No. 464, the second engrossment, as follows:

Page 2, line 26, before the period, insert "except as provided in paragraph (k)"

Page 3, after line 36, insert:

"(k) Notwithstanding paragraph (b), each exclusive representative of an eligible employer that had for fiscal year 2006, 800 or more full-time equivalent employees, shall determine whether the employees it represents will participate in coverage offered by the board and may opt out of coverage by the board under this paragraph. The exclusive representative must exercise this opt-out option on or before July 1, 2008, on a form provided by the board. The employees represented by an exclusive representative that exercises this option are not eligible for coverage under this section for four years after the first date upon which the board provides coverage. An exclusive representative that opts out may elect to have the employees it represents receive coverage provided by the board, beginning after that four-year-period of ineligibility, and the employees represented by that exclusive representative must be pooled and rated separately from other eligible employees for the following four years. For employees of the eligible employer who are not represented by an exclusive representative, the employer has the right to make the decisions described in this paragraph."

A roll call was requested and properly seconded.

Buesgens moved to amend the Brynaert et al amendment to H. F. No. 464, the second engrossment, as follows:

Page 1, line 5, after "employer" delete "that had for fiscal year 2006, 800 or more full-time equivalent employees."

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Hackbarth and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler
Anderson, B.
Anderson, S.
Anzelc
Atkins
Beard
Benson
Bergs
Bigham
Blys
Brod
Brown
Brynaert
Buesgens
Bunn
Carlson
Clark
Cornish
Davnie
Dean
DeLaForest
Demmer
Dettmer
Dill
Dittrich
Dominguez
Doty
Eastlund
Eken
Emmer
Erhardt
Erickson
Faust
Finstad
Fritz
Gardner
Garofalo  Howes  Lillie  Nornes  Sailer  Tingelstad
Gottwalt  Huntley  Loeffler  Norton  Scalze  Tschumper
Greiling  Jaros  Madore  Olin  Seifert  UrdaII
Gunther  Johnson  Magnus  Olson  Sertich  Wagenius
Hackbarth  Juhnke  Mahoney  Otremba  Severson  Walker
Hamiton  Kahn  Mariani  Ozment  ShimanskII  Ward
Hansen  Kalin  Marquart  Paulsen  Simon  Wardlow
Hausman  Knuth  Masin  Paymar  Simpson  Welti
Haws  Koenen  McFarlane  Pelowski  Slawik  Westrom
Heidgerken  Kohls  McNamara  Peppin  Slocum  Winkler
Hilstrom  Kranz  Moe  Peterson, A.  Smith  Wollschlager
Hilty  Laine  Morgan  Peterson, N.  Solberg  Zellers
Holberg  Lanning  Morrow  Peterson, S.  Svinggum  Sp. Kelliher
Hoppe  Lenczewski  Mullery  Poppe  Swails
Hornstein  Lesch  Murphy, E.  Rukavina  Thao
Hortman  Liebling  Murphy, M.  Ruth  Thissen
Hosch  Lieder  Nelson  Ruud  Tillberry

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the amendment to the amendment and the roll was called. There were 51 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  DeLaForest  Gardner  Loeffler  Paulsen  Simpson
Anderson, S.  Demmer  Garofalo  Magnus  Peppin  Smith
Beard  Dettmer  Gottwalt  Masin  Peterson, N.  Wagenius
Benson  Eastlund  Hackbarth  McFarlane  Ruth  Westrom
Berns  Emmer  Holberg  McNamara  Ruud  Winkler
Brod  Erhardt  Hoppe  Mullery  Seifert  Zellers
Buesgens  Erickson  Kohls  Nornes  Severson
Davnie  Faust  Lenczewski  Olin  ShimanskII  Simon
Dean  Finstad  Lillie  Olson

Those who voted in the negative were:

Abeler  Doty  Hosch  Liebling  Ozment  Swails
Anzelc  Eken  Howes  Lieder  Paymar  Thao
Atkins  Fritz  Huntley  Madore  Pelowski  Thissen
Bigham  Greiling  Jaros  Mahoney  Peterson, A.  Tillberry
Bly  Gunther  Johnson  Marquart  Moe  Rukavina  Tschumper
Brown  Hamilton  Juhnke  Kranz  Mo  Sailer  Urdahl
Brynaert  Hansen  Kahn  Morgan  Scalze  Ward
Bunn  Hausman  Kalin  Morrow  Sertich  Wardlow
Carlson  Haws  Knuth  Murphy, E.  Slawik  Welti
Clark  Heidgerken  Koenen  Murphy, M.  Slappey  Wollschlager
Cornish  Hilstrom  Kranz  Nelson  Solberg
Dill  Hilty  Laine  Norton  Sp. Kelliher
Didrich  Hornstein  Lanning  Otremba  Svinggum
Dominguez  Hortman  Lesch

The motion did not prevail and the amendment to the amendment was not adopted.
MOTION TO LAY ON THE TABLE

Seifert moved that H. F. No. 464 be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Seifert motion and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, B. Davnie Finstad Lanning Peppin Smith
Anderson, S. Dean Garofalo Lillie Peterson, N. Ssvigum
Beard DeLaForest Gottwalt Magnus Poppe Wagenius
Benson Demmer Greiling McFarlane Ruth Westrom
Berns Dettmer Gunther McNamara Seifert Zellers
Brod Eastlund Hackbarth Nornes Severson
Buesgens Emmer Holberg Norton Shimanski
Bunn Erhardt Hoppe Olson Simpson
Cornish Erickson Kohls Paulsen Slawik

Those who voted in the negative were:

Abeler Faust Huntley Loeffler Otremba Swails
Anzelc Fritz Jaros Madore Ozment Thao
Atkins Gardner Johnson Mahoney Paymar Thissen
Bigham Hamilton Juhnke Mariani Pelowski Tillberry
Bly Hansen Kahn Marquart Peterson, A. Tinglestad
Brown Hausman Kalin Masin Peterson, S. Tschumper
Brynaert Haws Knuth Moe Rukavina Udahl
Carlson Heidgerken Koenen Morgan Ruud Walker
Clark Hilstrom Kranz Morrow Sailer Ward
Dill Hilty Laine Mullery Scalze Wardlow
Dittrich Hornstein Lenczewski Murphy, E. Sertich Welti
Domínguez Hortman Lesch Murphy, M. Simon Winkler
Doty Hosch Liebling Nelson Slocum Wollschlager
Eken Howes Lieder Olin Solberg Spk. Kelliher

The motion did not prevail.

Berns moved to amend the Brynaert et al amendment to H. F. No. 464, the second engrossment, as follows:

Page 1, line 5, delete "800" and insert "780"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called.
Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 48 yeas and 85 nays as follows:

Those who voted in the affirmative were:

- Anderson, B.
- Anderson, S.
- Beard
- Benson
- Berns
- Brynaert
- Buesgens
- Bunn
- Clark
- Davnie
- Dean
- DeLaForest
- Dettmer
- Eastlund
- Erhardt
- Erickson
- Finstad
- Gardner
- Gottwald
- Greiting
- Gunther
- Hackbart
- Holberg
- Hoppe
- Kahn
- Knuth
- Lenczewski
- Lillie
- Loeffler
- Magnus
- McFarlane
- Mullery
- Norton
- Paulsen
- Peppin
- Peterson, N.
- Peterson, S.
- Ruth
- Severson
- Shimanski
- Simpson
- Slawik
- Smith
- Sviggum
- Wagenius
- Wardlow
- Westrom

Those who voted in the negative were:

- Abeler
- Anzelc
- Atkins
- Bigham
- Bly
- Brod
- Brown
- Carlson
- Cornish
- Demmer
- Dill
- Dittrich
- Dominguez
- Doty
- Eken
- Emmer
- Garofalo
- Hamilton
- Hausman
- Heidgerken
- Hilstrom
- Hilty
- Hornstein
- Hortman
- Hosch
- Howes
- Huntley
- Jaros
- Juhnke
- Kalin
- Kohls
- Kainen
- Laine
- Lanning
- Lesch
- Liebling
- Lieder
- Madore
- Mahoney
- Marquart
- Masin
- McNamara
- Moe
- Morgan
- Morrow
- Murphy, E.
- Murphy, M.
- Nelson
- Nornes
- Oin
- Olson
- Otremba
- Ozment
- Paymar
- Pelowski
- Peterson, A.
- Peterson, S.
- Poppe
- Rukavina
- Sauder
- Sailer
- Scalze
- Seifert
- Seth
- Siebert
- Simon
- Slocum
- Solberg
- Swails
- Thao
- Thissen

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

Dettmer moved to amend the Brynaert et al amendment to H. F. No. 464, the second engrossment, as follows:

Page 1, line 5, delete "800" and insert "600"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.
There were 34 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  Bunn  Erickson  Holberg  Norton  Slawik
Anderson, S.  Davnie  Gardner  Hoppe  Paulsen  Sviggum
Benson  Dean  Gottwalt  Kahn  Peppin  Wagenius
Berns  DeLaForest  Greiling  Lillie  Ruud  Zellers
Brynaert  Dettmer  Gunther  Loeffler  Severson
Buesgens  Eastlund  Hack Barth  McFarlane  Shimanski

Those who voted in the negative were:

Abeler  Emmer  Jaros  Mariani  Peterson, A.  Thissen
Anzelc  Erhardt  Johnson  Marquart  Peterson, N.  Tillberry
Atkins  Faust  Juhnke  Masin  Peterson, S.  Tingelstad
Beard  Finstad  Kalin  McNamara  Poppe  Tschumper
Bigham  Garofalo  Knuth  Moe  Rukavina  Urda hl
Bly  Hamilton  Koenen  Morgan  Ruth  Walker
Brod  Hansen  Kohns  Morrow  Sale r  Ward
Brown  Hausman  Kranz  Murphy, E.  Scal ze  Welti
Carlson  Haws  Laine  Murphy, M.  Seifert  Westrom
Clark  Heidgerken  Lanning  Nelson  Sertich  Winkler
Cornish  Hilstrom  Lenczewski  Nornes  Simon  Wolf schlager
Demmer  Hilty  Lesch  Olin  Simpson  Spk. Kelliher
Dill  Hornstein  Liebling  Olson  Slocum  Smith
Dittrich  Hortman  Lieder  Otremba  Solberg  Smith
Dominguez  Hosch  Madore  Ozment  Swails  Smith
Doty  Howes  Magnus  Paymar  Thao  Smith
Eken  Huntley  Mahoney  Pelowski  Spk. Kelliher

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

The question recurred on the Brynaert et al amendment and the roll was called. There were 19 yeas and 115 nays as follows:

Those who voted in the affirmative were:

Abeler  Davnie  Liebling  Mullery  Ruud
Anderson, S.  Erhardt  Lillie  Norton  Scal ze
Benson  Gardner  Loeffler  Paulsen  Slawik
Brynaert  Greiling  McFarlane  Peterson, N.

Those who voted in the negative were:

Anderson, B.  Brod  Dean  Doty  Fritz  Hausman
Anzelc  Brown  DeLaForest  Eastlund  Garofalo  Haws
Atkins  Buesgens  Demmer  Eken  Gottwalt  Heidgerken
Beard  Bunn  Dettmer  Emmer  Gunther  Hilstrom
Berns  Carlson  Dill  Erickson  Hack Barth  Hilty
Bigham  Clark  Dittrich  Faust  Hamilton  Holberg
Bly  Cornish  Dominguez  Finstad  Hansen  Hoppe
The motion did not prevail and the amendment was not adopted.

Loeffler; Brynaert; Simon; Dettmer; Demmer; Norton; Murphy, E.; Mariani; Kohls; Kahn; Greiling; Lillie; Beard; Zellers and Paulsen moved to amend H. F. No. 464, the second engrossment, as follows:

Page 1, after line 6 insert:

"Section 1. Minnesota Statutes 2006, section 3.971, subdivision 6, is amended to read:

Subd. 6. Financial audits. The legislative auditor shall audit the financial statements of the state of Minnesota required by section 16A.50 and, as resources permit, shall audit Minnesota State Colleges and Universities, the University of Minnesota, state agencies, departments, boards, commissions, courts, and other state organizations subject to audit by the legislative auditor, including the State Agricultural Society, Agricultural Utilization Research Institute, Minnesota Technology, Inc., the Minnesota School Employee Insurance Board, Minnesota Historical Society, Labor Interpretive Center, Minnesota Partnership for Action Against Tobacco, Metropolitan Sports Facilities Commission, Metropolitan Airports Commission, and Metropolitan Mosquito Control District. Financial audits must be conducted according to generally accepted government auditing standards. The legislative auditor shall see that all provisions of law respecting the appropriate and economic use of public funds are complied with and may, as part of a financial audit or separately, investigate allegations of noncompliance by employees of departments and agencies of the state government and the other organizations listed in this subdivision."

Page 2, line 20, after the period, insert "The board is subject to financial audit by the legislative auditor under section 3.971, subdivision 6."

Page 3, line 8, delete the first "and" and before "must" insert "72A, and"

Page 3, line 18, after the period, insert "If at any time any health plan offered by the board is not fully insured, the board and the health plan are subject to section 471.617 and any rules adopted under that section, including Minnesota Rules, chapter 2785."

Page 4, line 9, delete "and" and after "62Q" insert ", and 72A"

Page 4, line 13, delete "January 15, 2011" and insert "December 15, 2009"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.
Sertich moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 6, line 34, delete "62E.11, subdivision 5, paragraph (b)" and insert "62A.662, subdivision 9, paragraph (d)"

The motion prevailed and the amendment was adopted.

Norton, Greiling, Brynaert, Bunn, Benson, Kohls, Lillie, Beard and Ruud moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 20, after the period, insert "No eligible employer is liable for the debts, liabilities, or obligations of this public corporation."

A roll call was requested and properly seconded.

The question was taken on the Norton et al amendment and the roll was called. There were 56 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abeler, Anderson, B., Anderson, S., Beard, Benson, Berns, Bred, Brynaert, Buesgens, and Bunn

Those who voted in the negative were:

Anzelc, Atkins, Bigham, Bly, Brown, Carlson, Clark, Cornish, Davnie, Dill, Dittrich, Dominguez, Doty, Eken, Jaros, Mahoney, Paymar, Swails, Finstad, Fritz, Cly, Hanssen, Brown, Hanssen, Hovland, Hilstrom, Hilty, Hornstein, Hortman, Hosch, Hourguez, Huntley, Magnus, and Ozment

The motion did not prevail and the amendment was not adopted.
CALL OF THE HOUSE LIFTED

Erickson moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Erickson moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 22, after "pool" insert "is subject to the political subdivision provisions of section 471.617 and Minnesota Rules, chapter 2785, and"

Page 3, line 8, delete "and 62Q" and insert "62Q, and 72A"

Page 4, line 5, after the second comma, insert "and receive approval"

Page 4, line 9, delete "and 62Q" and insert "62Q, and 72A"

Page 4, line 13, delete "January 15, 2011" and insert "March 1, 2010"

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 44 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Abeler  Dean  Gardner  Kohls  Peppin  Tinglestad
Anderson, B.  DeLaForest  Garofalo  Lanning  Ruth  Wardlow
Anderson, S.  Demmer  Gottwald  Magnus  Ruud  Westrom
Beard  Detmer  Gunther  McFarlane  Seifert  Zellers
Berns  Eastlund  Hackbarth  McNamara  Severson  
Brod  Emmer  Holberg  Nornes  Shimansk  
Buesgens  Erickson  Hoppe  Olson  Simpson  
Bunn  Finstad  Hosch  Paulsen  Sviggum  

Those who voted in the negative were:

Anzelc  Eken  Huntley  Loeffler  Otremba  Smith
Atkins  Erhardt  Jaros  Madore  Ozment  Solberg
Benson  Faust  Johnson  Mahoney  Paymar  Swails
Bigham  Fritz  Juhnke  Mariani  Pelowski  Thao
Bly  Greiling  Kahn  Marquart  Peterson, A.  Thissen
Brown  Hamilton  Kalin  Masin  Peterson, N.  Tillberry
Brynaert  Hansen  Knuth  Moe  Peterson, S.  Tschumper
Carlson  Hauserman  Koenen  Morgan  Poppe  Udahl
Clark  Haws  Kranz  Morrow  Rukavina  Wagenius
Cornish  Heidgerken  Laine  Mullery  Sailer  Walker
Davnie  Hilstrom  Lenczewski  Murphy, E.  Scalze  Ward
Dill  Hilty  Lesch  Murphy, M.  Sertich  Welti
Dittrich  Hornstein  Liebling  Nelson  Simon  Winkler
Dominguez  Hortman  Lieder  Norton  Slawik  Wollschlager
Doty  Howes  Lillie  Olin  Slocum  Spk. Kelliher

The motion did not prevail and the amendment was not adopted.
Emmer moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, line 18, after the period, insert "The board must offer only coverage that is fully insured unless it has reserves of at least $200,000,000."

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 40 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  DeLaForest  Fritz  Kohls  Paulsen  Simpson
Anderson, S.  Demmer  Garofalo  Lanning  Peppin  Smith
Beard  Dettmer  Gottwald  Magnus  Peterson, N.  Siggum
Berns  Eastlund  Gunther  McFarlane  Ruth  Westrom
Brod  Emmer  Hackbarth  McNamara  Seifert  Zellers
Buesgens  Erickson  Holberg  Nornes  Severson
Dean  Finstad  Hoppe  Olson  Shimanski

Those who voted in the negative were:

Abeler  Doty  Howes  Loeffler  Ozment  Thao
Anzelc  Eken  Huntley  Madore  Paymar  Thissen
Atkins  Erhardt  Jaros  Mahoney  Pelowski  Tillberry
Benson  Faust  Johnson  Mariani  Peterson, A.  Tingelstad
Bigham  Gardner  Juhnke  Marquart  Peterson, S.  Tschumper
Bly  Greiling  Kahn  Masin  Poppe  Udahl
Brown  Hamilton  Kalin  Moe  Rukavina  Wagenius
Brynaert  Hansen  Knuth  Morgan  Ruud  Walker
Bunn  Hausman  Koenen  Morrow  Sailer  Ward
Carlson  Haws  Kranz  Mullery  Scalze  Wardlow
Clark  Heidgerken  Laine  Murphy, E.  Sertich  Welti
Cornish  Hilstrom  Lenczewski  Murphy, M.  Simon  Winkler
Davnie  Hilty  Lesch  Nelson  Slawik  Wollschlager
Dill  Hornstein  Liebling  Norton  Slocum  Spk. Kelliher
Dittrich  Hortman  Lieder  Olin  Solberg
Dominguez  Hosch  Lillie  Otremba  Swails

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

Kahn, Benson, Greiling, Lillie, Slawik and Ruud moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 26, before the period, insert ", except as provided in paragraph (k)"

Page 3, after line 36 insert:

"(k) Notwithstanding paragraph (b), each exclusive representative of an eligible employer that shall determine whether the employees it represents will participate in coverage offered by the board and may opt out of coverage by the board under this paragraph. The exclusive representative must exercise this opt-out option on or before July 1.
2008, on a form provided by the board. The employees represented by an exclusive representative that exercises this option are not eligible for coverage under this section for six years after the first date upon which the board provides coverage. An exclusive representative that opts out may elect to have the employees it represents receive coverage provided by the board, beginning after that six-year-period of ineligibility, and the employees represented by that exclusive representative must be pooled and rated separately from other eligible employees for the following six years. For employees of the eligible employer who are not represented by an exclusive representative, the employer has the right to make the decisions described in this paragraph.

A roll call was requested and properly seconded.

The question was taken on the Kahn et al amendment and the roll was called. There were 51 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler  Bunn  Garofalo  Kohls  Paulsen  Slawik
Anderson, B.  Davnie  Gottwalt  Lillie  Peppin  Smith
Anderson, S.  Dean  Greiling  LoeFlser  Peterson, N.  Wagenius
Beard  Dettmer  Gunther  Magnus  Ruud  Westrom
Benson  Eastlund  Hackbarth  Masin  Seifert  Winkler
Berns  Emmer  Holberg  McNamara  Severson  Zellers
Brod  Erhardt  Hoppe  Morrow  Shimanski  
Brynaert  Finstad  Howes  Mullery  Simon  
Buesgens  Gardner  Kahn  Norton  Simpson  

Those who voted in the negative were:

Anzelc  Eken  Huntley  Madore  Ozment  Swails
Atkins  Erickson  Jaros  Mahoney  Paymar  Thao
Bigham  Faust  Johnson  Mariani  Pelowski  Thissen
Bly  Fritz  Juhnke  Marquart  Peterson, A.  Tillberry
Brown  Hamilton  Kalin  McFarlane  Peterson, S.  Tingelstad
Carlson  Hansen  Knuth  Moe  Poppe  Tschumper
Clark  Hausman  Koenen  Morgan  Rukavina  Udahl
Cornish  Haws  Kranz  Murphy, E.  Ruth  Walker
DeLaForest  Heidgerken  Laine  Murphy, M.  Sailer  Ward
Demmer  Hilstrom  Lanning  Nelson  Scalze  Wardlow
Dill  Hilty  Lenczewski  Nornes  Sertich  Welti
Dittrich  Hornstein  Lesch  Olin  Slocum  Wollschlager
Dominges  Hortman  Liebling  Olson  Solberg  Spk. Kelliher
Doty  Hosch  Lieder  Otrema  Siggum  

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

Norton, Garofalo and Brynaert moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 20, after the period, insert "An eligible employer is not liable for obligations of this public corporation."

A roll call was requested and properly seconded.
The question was taken on the Norton et al amendment and the roll was called. There were 70 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler  DeLaForest  Garofalo  Kohls  Olson  Slawik
Anderson, B.  Demmer  Gottwald  Lanning  Paulsen  Smith
Anderson, S.  Dettmer  Greiling  Lenczewski  Peppin  Sviggum
Beard  Dittrich  Gunther  Liebling  Peterson, N.  Tingelstad
Benson  Eastlund  Hacklbarth  Lillie  Poppe  Tschumper
Berns  Emmer  Hamilton  Magnus  Ruth  Wagenius
Brod  Erhardt  Haws  McFarlane  Ruud  Wardlow
Brynaert  Erickson  Holberg  McNamara  Seifert  Westrom
Buesgens  Faust  Hoppe  Morrow  Severson  Winkler
Bunn  Finstad  Hosch  Mullery  Shimanski  Zellers
Davnie  Fritz  Kahn  Nornes  Simon  
Dean  Gardner  Knuth  Norton  Simpson

Those who voted in the negative were:

Anzelc  Eken  Johnson  Marquart  Pelowski  Thissen
Atkins  Hansen  Juhnke  Masin  Peterson, A.  Tillberry
Bigham  Hausman  Kalin  Moe  Peterson, S.  Urdahl
Bly  Heidgerken  Koenen  Morgan  Rukavina  Walker
Brown  Hilstrom  Kranz  Murphy, E.  Sailer  Ward
Carlson  Hilty  Laine  Murphy, M.  Scalze  Welti
Clark  Hornstein  Lesch  Nelson  Sertich  Wollschlager
Cornish  Hortman  Lieder  Olin  Slocum  Spk. Kelliher
Dill  Howes  Loeffler  Otremba  Solberg  
Dominguez  Huntley  Madore  Ozment  Swails  
Doty  Jaros  Mahoney  Paymar  Thao  

The motion prevailed and the amendment was adopted.

Erickson moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 7, line 21, after the period, insert "By October 1, 2007, the board must establish an administrative system for the Minnesota school employee insurance pool."

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 40 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  DeLaForest  Finstad  Magnus  Paulsen  Shimanski
Anderson, S.  Demmer  Gottwald  McFarlane  Peppin  Simpson
Beard  Dettmer  Greiling  McNamara  Peterson, N.  Smith
Bens  Eastlund  Hacklbarth  Mullery  Peterson, A.  Westrom
Brod  Emmer  Holberg  Nornes  Ruth  Zellers
Buesgens  Erhardt  Kohls  Norton  Seifert  Severson
Dean  Erickson  Lanning  Olson  Simon  

Those who voted in the negative were:

Abeler  Doty  Hortman  Lieder  Ozment  Thao
Anzelc  Eken  Hosch  Lillie  Pelowski  Thissen
Atkins  Faust  Howes  Loeffler  Peterson, A.  Tillberry
Benson  Fritz  Huntley  Madore  Peterson, S.  Tinglestad
Bigham  Gardner  Jaros  Mahoney  Poppe  Tschumper
Bly  Garofalo  Johnson  Mariani  Rukavina  Udahl
Brown  Gunther  Juhnke  Marquart  Ruud  Wagenius
Brynaert  Hamilton  Kahn  Masin  Sailer  Walker
Bunn  Hansen  Kalin  Moe  Scalze  Ward
Carlson  Hauserman  Knuth  Morgan  Sertich  Wardlow
Clark  Haws  Koenen  Morrow  Simon  Welti
Cornish  Heiderken  Kranz  Murphy, E.  Slawik  Winkler
Davnie  Hilstrom  Laine  Murphy, M.  Slocum  Wolfmacher
Dill  Hilty  Lenczewski  Nelson  Solberg  Spk. Kelliher
Dittrich  Hoppe  Lesch  Olin  Svigum
Domínguez  Hornstein  Liebling  Otremba  Swails

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

Kohls moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 10, delete "and"

Page 1, line 16, delete the period and insert a semicolon

Page 1, after line 16, insert:

"(3) "health plan" means a health plan as defined in section 62A.011; and

(4) "health benefit plan" means self-insured health care coverage that is offered by the Minnesota School Employee Insurance Pool under this section."

Page 2, line 26, after "plans" insert "or health benefit plans"

Page 2, line 34, delete "health plan or plans" and insert "health plans or health benefit plans"

Page 3, line 1, before the period, insert "or health benefit plans"

Page 3, line 8, after "board" insert "and approved by the commissioner of commerce" and delete "The health plans" and insert "Any health plan or health benefit plan offered by the board"

Page 3, line 10, delete "All health plans" and insert "Any health plan or health benefit plan" and after "commerce" insert "prior to being made available to eligible employees of eligible employers"

Page 3, line 14, after "features" insert "as allowed under chapter 60A"

Page 3, line 15, after the period, insert "The Department of Commerce must approve all design elements under this paragraph prior to any health plan or health benefit plan being made available to eligible employees of eligible employers."
Page 3, line 19, delete "The health plans" and insert "Any health plan or health benefit plan"

A roll call was requested and properly seconded.

The question was taken on the Kohls amendment and the roll was called. There were 50 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  DeLaForest  Garofalo  Magnus  Peterson, N.  Sviggum
Anderson, S.  Demmer  Gottwalt  McFarlane  Ruth  Wardlow
Beard  Dettmer  Greiling  McNamara  Ruud  Westrom
Benson  Eastlund  Hackbarth  Mullery  Seifert  Winkler
Berns  Emmer  Holberg  Nornes  Severson  Zellers
Brod  Erhardt  Hoppe  Norton  Shimanski
Buesgens  Erickson  Kahn  Olson  Simon
Bunn  Finstad  Kohls  Paulsen  Simpson
Dean  Gardner  Lanning  Paymar  Smith

Those who voted in the negative were:

Abeler  Doty  Hosch  Lieder  Olin  Swails
Anzelc  Eken  Howes  Lillie  Otremba  Thao
Atkins  Faust  Huntley  Loeffer  Ozment  Thissen
Bigham  Fritz  Jaros  Madore  Pelowski  Tillberry
Bly  Gunther  Johnson  Mahoney  Peterson, A.  Tingelstad
Brown  Hamilton  Juhnke  Mariam  Peterson, S.  Tschumper
Brynaert  Hansen  Kalin  Marquart  Poppe  Udahl
Carlson  Hauser  Knuth  Masin  Rukavina  Wagenius
Clark  Haws  Koenen  Moe  Sailer  Walker
Cornish  Heiderken  Kranz  Morgan  Scalze  Ward
Davnie  Hilstrom  Laine  Morrow  Sertich  Welti
Dill  Hilty  Lenczewski  Murphy, E.  Slawik  Wollschlager
Dittrich  Hornstein  Lesch  Murphy, M.  Slocum  Spk. Kelliher
Dominguez  Hortman  Liebling  Nelson  Solberg

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

Hoppe, Kohls and Kahn moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 26, before the period, insert ", except as provided in paragraph (k)"

Page 3, after line 36, insert:

"(k) Notwithstanding paragraph (b), each employer shall determine whether its district will participate in coverage offered by the board and may opt out of coverage by the board under this paragraph. The employer must exercise this opt-out option on or before July 1, 2008, on a form provided by the board. The district whose
employer exercises this option is not eligible for membership under this section for six years after the first date upon which the board provides coverage. A district that opts out may elect to have its employees receive coverage provided by the board, beginning after that six-year-period of ineligibility, and the employees of that district must be pooled and rated separately from other eligible employees for the following six years."

A roll call was requested and properly seconded.

**CALL OF THE HOUSE**

On the motion of DeLaForest and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Dill</th>
<th>Hilty</th>
<th>Lieder</th>
<th>Paulsen</th>
<th>Siggum</th>
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<tr>
<td>Anderson, B.</td>
<td>Dittrich</td>
<td>Holberg</td>
<td>Lillie</td>
<td>Paymar</td>
<td>Swails</td>
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<td>Anderson, S.</td>
<td>Dominguez</td>
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<td>Loeffer</td>
<td>Pelowski</td>
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<td>Atkins</td>
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<td>Beard</td>
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<td>Mahoney</td>
<td>Peterson, S.</td>
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<td>Benson</td>
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<td>Marquart</td>
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<td>Rukavina</td>
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<td>Bigham</td>
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<td>Bly</td>
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<td>Buesgens</td>
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<td>Mullery</td>
<td>Sertich</td>
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<td>Bunn</td>
<td>Gottwald</td>
<td>Koenen</td>
<td>Murphy, E.</td>
<td>Severson</td>
<td>Wollschlager</td>
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<td>Carlson</td>
<td>Gunther</td>
<td>Kohls</td>
<td>Murphy, M.</td>
<td>Shimanski</td>
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<td>Clark</td>
<td>Hackbart</td>
<td>Kranz</td>
<td>Nelson</td>
<td>Simon</td>
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<td>Davnie</td>
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<td>Dettmer</td>
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<td>Ozment</td>
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Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The Speaker resumed the Chair.

The question recurred on the Hoppe et al amendment and the roll was called. There were 58 yeas and 76 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Anderson, B.</th>
<th>Brod</th>
<th>Dean</th>
<th>Emmer</th>
<th>Garofalo</th>
<th>Holberg</th>
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<tbody>
<tr>
<td>Anderson, S.</td>
<td>Brynaert</td>
<td>DeLaForest</td>
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<td>Berns</td>
<td>Davnie</td>
<td>Eastlund</td>
<td>Gardner</td>
<td>Hackbart</td>
<td>Lanning</td>
</tr>
</tbody>
</table>
Those who voted in the negative were:


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

CALL OF THE HOUSE LIFTED

DeLaForest moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Peppin moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 43A.316, subdivision 1, is amended to read:

Subdivision 1. **Intent.** The legislature finds that the creation of a statewide program using best practices and innovative benefit design and administration to provide public employees, school districts employees, and other eligible persons with life insurance and hospital, medical, and dental benefit coverage through provider organizations would result in a greater utilization more efficient use of government resources and would advance the health and welfare of the citizens of the state.

Sec. 2. Minnesota Statutes 2006, section 43A.316, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purpose of this section, the terms defined in this subdivision have the meaning given them.

(a) **Commissioner.** "Commissioner" means the commissioner of employee relations."
(b) **Employee.** "Employee" means:

(1) a person who is a public employee within the definition of section 179A.03, subdivision 14, who is insurance eligible and is employed by an eligible employer;

(2) an elected public official of an eligible employer who is insurance eligible;

(3) a person employed by a labor organization or employee association certified as an exclusive representative of employees of an eligible employer or by another public employer approved by the commissioner, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32); or

(4) a person employed by a county or municipal hospital.

(c) **Eligible employer.** "Eligible employer" means:

(1) a public employer within the definition of section 179A.03, subdivision 15, that is a town, county, city, school district as defined in section 120A.05, service cooperative as defined in section 123A.21, intermediate district as defined in section 136D.01, Cooperative Center for Vocational Education as defined in section 123A.22, regional management information center as defined in section 123A.23, or an education unit organized under the joint powers action, section 471.59; or

(2) an exclusive representative of employees, as defined in paragraph (b);

(3) a county or municipal hospital; or

(4) another public employer approved by the commissioner.

(d) **Exclusive representative.** "Exclusive representative" means an exclusive representative as defined in section 179A.03, subdivision 8.

(e) **Labor-Management Committee.** "Labor-Management Committee" means the committee established by subdivision 4.

(f) **Program.** "Program" means the statewide public employees insurance buyers group program created by subdivision 3.

Sec. 3. Minnesota Statutes 2006, section 43A.316, subdivision 3, is amended to read:

Subd. 3. **Public employee insurance program.** The commissioner shall be the administrator of the public employee insurance program and may determine its funding arrangements. The commissioner shall model the program after the plan established in section 43A.18, subdivision 2, but may modify that plan, in consultation with the Labor-Management Committee. The commissioner, or the commissioner's designated representatives, shall be consulted in discussions or studies by state agencies related to improving statewide health care quality, outcomes, and costs. The commissioner may:

(1) Develop and administer separately rated programs within the public employee insurance program, including a separately rated and administered program for employees of public school districts. Separate programs within the public employee insurance program may be pilot or demonstration programs, or permanent programs.

(2) Develop, implement, and administer demonstration or pilot programs to help explore methods for improving the effectiveness and value of the public employee insurance program.
(3) Conduct evaluations and studies to determine the effectiveness and impact of pilot, demonstration, or other programs as part of the public employee insurance program.

(4) Develop, adopt, modify, and implement strategies to control health care costs and to improve health care outcomes, including, but not limited to, health care cost and quality measurement and reporting strategies, pay-for-performance strategies, value-based purchasing strategies, and other demonstrated or emerging best practices in health care purchasing.

(5) In consultation with the labor management committee described in subdivision 5, develop, adopt, modify and administer innovative health benefit designs, including possible tiered arrangements, high-deductible plans with health care savings accounts, special provider networks, limited benefit plans, incentive programs for healthy behaviors and health improvement, and other health benefit designs.

(6) Temporarily suspend or limit new entrant groups into the public employee insurance program if necessary to maintain the quality, effectiveness, and viability of the program.

(7) Participate as part of broader community, regional, or national alliances or initiatives, including joint public-private sector efforts, improve health care purchasing, and health care costs, quality, and outcomes.

(8) Develop, implement, and administer a Web site and related capabilities to provide members and the public with information and a means to make inquiries to the public employee insurance program. The Web site may include information on the program's goals and its performance in reaching the goals.

Sec. 4. Minnesota Statutes 2006, section 43A.316, is amended by adding a subdivision to read:

Subd. 3a. Health improvement programs. The commissioner is authorized to plan, develop, purchase, administer, and evaluate disease management and other programs, strategies, and incentives to improve the health and health outcomes of members.

Sec. 5. Minnesota Statutes 2006, section 43A.316, subdivision 4, is amended to read:

Subd. 4. Labor-Management Committee. The Labor-Management Committee consists of ten members appointed by the commissioner governor. The Labor-Management Committee must comprise five members who represent employees, including at least one retired employee, and five members who represent eligible employers. Committee members are eligible for expense reimbursement in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. The commissioner shall consult with the labor-management committee in major decisions that affect the program. The committee shall study issues relating to the insurance program including, but not limited to, flexible benefits, utilization review, quality assessment, and cost efficiency. The committee continues to exist while the program remains in operation.

Sec. 6. Minnesota Statutes 2006, section 43A.316, subdivision 5, is amended to read:

Subd. 5. Public employee participation. (a) Participation in the program is subject to the conditions in this subdivision.

(b) Each exclusive representative for an eligible employer determines whether the employees it represents will participate in the program. The exclusive representative shall give the employer notice of intent to participate at least 30 days before the expiration date of the collective bargaining agreement preceding the collective bargaining agreement that covers the date of entry into the program. The exclusive representative and the eligible employer shall give notice to the commissioner of the determination to participate in the program at least 30 days before entry into the program. Entry into the program is governed by a schedule established by the commissioner.
(c) Employees not represented by exclusive representatives may become members of the program upon a determination of an eligible employer to include these employees in the program. Either all or none of the employer’s unrepresented employees must participate. The eligible employer shall give at least 30 days' notice to the commissioner before entering the program. Entry into the program is governed by a schedule established by the commissioner.

(d) Participation in the program is for a two-year three-year term. Participation is automatically renewed for an additional two-year term unless the exclusive representative, or the employer for unrepresented employees, gives the commissioner notice of withdrawal at least 30 days before expiration of the participation period. A group that withdraws must wait two years before rejoining. An exclusive representative, or employer for unrepresented employees, may also withdraw if premiums increase 50 percent or more from one insurance year to the next. The commissioner may modify the participation requirement as part of a demonstration or pilot effort. Any modifications must be clearly communicated to all employers who are members of the public employee insurance program, and incorporated in any information about the program, at least 60 days prior to the change becoming effective. The modifications must apply on an equal basis to all current and prospective employers enrolled in the program.

(e) The commissioner, in consultation with the Labor-Management Committee and other experts, may explore mutual gain-sharing arrangements, discounts, incentives, or penalties for public employers based on the length of their continuous membership in the public employee insurance program and other factors. Any incentives for long-term membership in the program must be consistent with the program's goals; maintaining the overall integrity and viability of the program; other applicable laws, rules, and policies; and available to all groups on equal terms. The terms of any incentives for long-term participation in the program must be clearly communicated to all employers who are members of the public employee insurance program, and incorporated in any information about the program. Any administration of, or changes to the incentives, must be communicated at least 180 days prior to each employer's renewal date before the change may become effective. The commissioner, in consultation with the Labor-Management Committee, shall report to the legislature and the governor by January 15, 2008, and annually thereafter, on the adequacy of the participation requirement and any special incentives based on the length of participation, in helping maintain the stability and effectiveness of the public employee insurance program.

(f) The exclusive representative shall give the employer notice of intent to withdraw to the commissioner at least 30 days before the expiration date of a collective bargaining agreement that includes the date on which the term of participation expires.

(g) Each participating eligible employer shall notify the commissioner of names of individuals who will be participating within two weeks of the commissioner receiving notice of the parties' intent to participate. The employer shall also submit other information as required by the commissioner for administration of the program.

Sec. 7. Minnesota Statutes 2006, section 43A.316, is amended by adding a subdivision to read:

Subd. 5a. Participating employer rights to data. Employers participating in the public employee insurance program shall not be refused or impeded by the program in their efforts to obtain the utilization or claims data needed by the employer to seek alternative bids for insurance coverage. The ability of participating employers to secure their data for the purposes of seeking alternative bids for coverage exists regardless of any other program participation requirements or incentives for long-term participation in the program. Participating employers will not be charged for the report generated to satisfy this subdivision.
Sec. 8. Minnesota Statutes 2006, section 43A.316, is amended by adding a subdivision to read:

Subd. 5b. School districts. School districts eligible for the public employee insurance program must request bids for insurance coverage through the public employee insurance program at least once every four years. This subdivision does not require school districts eligible for the program to purchase coverage through the program. Other public employers are encouraged to seek bids from the public employee insurance program at least once every four years.

Sec. 9. Minnesota Statutes 2006, section 43A.316, is amended by adding a subdivision to read:

Subd. 9a. Report. The commissioner shall report biennially to the governor and legislature on March 1 of each odd-numbered year. The report will include information on membership, finances, operations, effectiveness, and impact of the public employee insurance program. The report may include discussion of changes and innovations, particularly with respect to improving health care costs, quality, and outcomes, and any issues or challenges faced by the program and how they might be addressed. The report will be posted on a Web site maintained by or for the public employee insurance program, and must be available to the public.

Sec. 10. Minnesota Statutes 2006, section 43A.316, subdivision 10, is amended to read:

Subd. 10. Exemption. The public employee insurance program and, where applicable, the employers participating in it are exempt from chapters 60A, 62A, 62C, 62D, 62E, and 62H, section 471.617, subdivisions 2 and 3, and the bidding requirements of section 471.6161. Nothing in this statute or other statutes shall limit the commissioner's ability to develop and test innovative health insurance benefit designs for the public program.

Sec. 11. Appropriation. Notwithstanding Minnesota Statutes, section 295.581, $60,000 in fiscal year 2008 and $2,260,000 in fiscal year 2009 are appropriated to the commissioner of employee relations for onetime administrative costs for marketing, communication, plan administration, and the development of a data warehouse to support the public employee insurance program.

Sec. 12. REVISOR'S INSTRUCTION.

The revisor of statutes shall change the headnote for Minnesota Statutes, section 43A.316, to read "PUBLIC EMPLOYEE INSURANCE PROGRAM."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 47 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  Brynaert  DeLaForest  Erhardt  Gottwald  Hoppe
Anderson, S.  Buesgens  Demmer  Erickson  Greiling  Kohls
Beard  Bunn  Dettmer  Finstad  Gunther  Lanning
Berns  Davnie  Eastlund  Gardner  Hackbartn  McFarlane
Brod  Dean  Emmer  Garofalo  Holberg  McNamara
Those who voted in the negative were:


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

Emmer moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 2, delete "seven" and insert "four"
Page 2, line 3, delete "and"
Page 2, line 5, delete the period and insert "; and"
Page 2, after line 5, insert:

"(3) the commissioners of commerce, health, and employee relations."

Page 2, line 6, delete "seven" and insert "four"
Page 2, line 7, delete "four members" and insert "one member each"
Page 2, line 8, delete "and one member each appointed by" and insert a comma

A roll call was requested and properly seconded.
The question was taken on the Emmer amendment and the roll was called. There were 38 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  Dean  Finstad  Kohls  Olson  Simpson
Anderson, S.  DeLaForest  Garofalo  Lanning  Paulsen  Westrom
Beard  Demmer  Gottwald  Magnus  Peppin  Zellers
Berns  Dettmer  Hackbarth  McFarlane  Ruth
Brynaert  Eastlund  Holberg  McNamara  Seifert
Buesgens  Emmer  Hoppe  Nornes  Severson
Bunn  Erickson  Howes  Norton  Shimanski

Those who voted in the negative were:

Abeler  Eken  Hosch  Loeffler  Paymar  Sviggum
Anzelc  Erhardt  Huntley  Madore  Pelowski  Swails
Atkins  Faust  Jaros  Mahoney  Peterson, A.  Thao
Benson  Fritz  Johnson  Mariani  Peterson, N.  Thissen
Bigham  Gardner  Juhnke  Marquart  Peterson, S.  Tillberry
Bly  Greiling  Kahn  Masin  Poppe  Tingelstad
Brod  Gunther  Kalin  Moe  Rukavina  Tschumper
Brown  Hamilton  Knuth  Morgan  Ruud  Udahl
Carlson  Hansen  Koenen  Morrow  Sailer  Wagenius
Clark  Hausman  Kranz  Mullery  Scalze  Walker
Cornish  Haws  Laine  Murphy, E.  Sertich  Ward
Davnie  Heidgerken  Lenczewski  Murphy, M.  Simon  Wardlow
Dill  Hilstrom  Lesch  Nelson  Slawik  Welti
Dittrich  Hilty  Liebling  Olin  Slocum  Winkler
Dominguez  Hornstein  Lieder  Otremba  Smith  Wollschlager
Doty  Hortman  Lillie  Ozment  Solberg  Spk. Kelliher

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

Hoppe moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 16, after the period, insert "A charter school may choose to opt out of being an eligible employer on a year-to-year basis."

A roll call was requested and properly seconded.

The question was taken on the Hoppe amendment and the roll was called. There were 43 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Abeler  Benson  Bunn  Dettmer  Finstad  Holberg
Anderson, B.  Berns  Dean  Eastlund  Garofalo  Hoppe
Anderson, S.  Brod  DeLaForest  Emmer  Gottwald  Hosch
Beard  Buesgens  Demmer  Erickson  Hackbarth  Kohls
The motion did not prevail and the amendment was not adopted.

The Speaker called Thissen to the Chair.

Garofalo, Hoppe, Holberg and Buesgens moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, after line 36 insert:

"(k) The board shall not offer any health plan, enter into any contract, or incur any other financial obligation unless Education Minnesota has executed and delivered to the board a written guaranty commitment in which Education Minnesota assumes unconditional liability for the board's debts if the board becomes insolvent, and the board has accepted the guaranty commitment. The board shall not accept the guaranty commitment unless the commissioner of finance has approved the form, content, and execution of the guaranty commitment. This paragraph does not prohibit the board from incurring obligations for compensation and reimbursement of expenses of its members prior to receipt or acceptance of the guaranty commitment."

A roll call was requested and properly seconded.

The question was taken on the Garofalo et al amendment and the roll was called. There were 35 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  Berns  DeLaForest  Dittrich  Erickson  Gottwald
Anderson, S.  Buesgens  Demmer  Eastlund  Finstad  Gunther
Beard  Dean  Dettmer  Emmer  Garofalo  Hackbardt
Those who voted in the negative were:

Abeler    Eken    Huntley    Mariani    Pelowski    Thissen
Anzelc    Erhardt  Jaros    Marquart    Peterson, A.   Tillberry
Atkins    Faust    Johnson    Masin    Peterson, N.   Tingelstad
Benson    Fritz    Juhnke    McFarlane    Peterson, S.   Tschumper
Bigham    Gardner  Kahn    Moe    Poppe    Udahl
Bly       Greiling  Kalin    Morgan    Rukavina    Wagenius
Brod      Hamilton  Knuth    Morrow    Ruud    Walker
Brown     Hansen  Koenen    Mullery    Sailer    Ward
Brynaert  Hausman  Laine    Murphy, E.  Scalze    Wardlow
Bunn      Haws    Lenczewski  Murphy, M.  Sertich    Welti
Carlson   Heidgerken  Lesch    Nelson    Simon    Westrom
Clark     Hilstrom  Liebling    Nornes    Slawik    Winkler
Cornish   Hilty    Lieder    Norton    Slocum    Wolfschlag
Davnie    Hornstein  Lillie    Olin    Solberg    Spk. Kelliher
Dill      Hortman  Loeffler    Otremba    Svigum    Swails
Dominguez  Hosch    Madore    Ozment    Paymar    Thao
Doty      Howes    Mahoney    Pelowski    Olsons    Severson

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

Westrom moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 26, after "board" insert ", except that an eligible employer that has been covered by plans offered by the board for three years may opt out of future participation in coverage offered by the board"

A roll call was requested and properly seconded.

The question was taken on the Westrom amendment and the roll was called. There were 42 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Anderson, B.    Dean    Finstad    Holberg    Nornes    Severson
Anderson, S.    DeLaForest  Gardner    Hoppe    Norton    Shimanski
Beard    Demmer    Garofalo    Hosch    Olson    Simpson
BURNS    Dettmer    Gottfalt    Kohls    Paulsen    Slawik
Brynaert  Eastlund  Greiling    Lanning    Peppin    Smith
Buesgens  Emmer    Gunther    McFarlane    Ruth    Westrom
Bunn      Erickson  Hackbart    McNamara    Seifert    Zellers

Those who voted in the negative were:

Abeler    Benson    Brod    Clark    Dill    Doty
Anzelc    Bigham    Brown    Cornish    Dittrich    Eken
Atkins    Bly    Carlson    Duvnie    Dominguez    Erhardt
The motion did not prevail and the amendment was not adopted.

Seifert moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 1, line 16, after the period, insert "A private school or a parent conducting a home school may choose to be an eligible employer."

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 8 yeas and 126 nays as follows:

Those who voted in the affirmative were:

Berens Heidgerken Hosch Olson
Dittrich Hoppe Howes Severson

Those who voted in the negative were:

Abeler Dean Greiling Knuth McFarlane Peterson, A.
Anderson, B. DeLaForest Gunther Koenen McNamara Peterson, N.
Anderson, S. Demmer Hackbarth Kohls Moe Peterson, S.
Anzelc Deitmer Hamilton Kranz Morgan Poppe
Atkins Dill Hansen Laine Morrow Rukavina
Beard Dominguez Hausman Lanning Mullery Ruth
Benson Doty Haws Lenczewski Murphy, E. Ruud
Bigham Eastlund Hilstrom Lesch Murphy, M. Sailer
Bly Eken Hilty Liebling Nordan Sertich
Brod Emmer Holberg Lieder Norton Shimanski
Brown Erhardt Hornstein Lillie Olin Smith
Brynaert Erickson Hortman Loeffler Olin Simon
Buesgens Faust Huntley Magnus Otsrumba Simpson
Bunn Finstad Jaros Magnus Ozment Stawk
Carlson Fritz Johnson Mahoney Paaske Stocum
Clark Gardner Juhnke Mariani Paymar Smith
Cornish Garofalo Kahn Marquart Pelowski Solberg
Davnie Gottwalt Kalin Masin Peppin Solberg

Spk. Kelliher
The motion did not prevail and the amendment was not adopted.

Gottwalt moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, after line 36, insert:

"(k) The board must offer a health plan that includes long-term care."

A roll call was requested and properly seconded.

The question was taken on the Gottwalt amendment and the roll was called. There were 34 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  DeLaForest  Finstad  Hoppe  Paulsen  Smith
Anderson, S.  Demmer  Garofalo  Kohls  Peppin  Thissen
Beard  Detmer  Gottwald  Lanning  Ruth  Urdahl
Berns  Eastlund  Hackbarth  McFarlane  Seifert  Westrom
Buesgens  Emmer  Haws  Nornes  Severson
Dean  Erickson  Heidgerken  Olson  Shimanski

Those who voted in the negative were:

Abeler  Doty  Howes  Madore  Ozment  Siggum
Anzelc  Eken  Huntley  Magnus  Paymar  Swails
Atkins  Erhardt  Jaros  Mahoney  Pelowski  Thao
Benson  Faust  Johnson  Mariani  Peterson, A.  Tillberry
Bigham  Fritz  Juhnke  Marquart  Peterson, N.  Tingelstad
Bly  Gardner  Kahn  Masin  Peterson, S.  Tschumper
Brod  Greiling  Kalin  McNamara  Poppe  Wagenius
Brown  Gunther  Knuth  Moe  Rukavina  Walker
Brynaert  Hamilton  Koenen  Morgan  Ruud  Ward
Bunn  Hansen  Kranz  Morrow  Sailer  Wardlow
Carlson  Hausman  Laine  Mullery  Scalze  Welti
Clark  Hilstrom  Lenczowski  Murphy, E.  Sertich  Winkler
Cornish  Hilty  Lesch  Murphy, M.  Simon  Wollschlager
Davnie  Holberg  Liebling  Nelson  Simpson  Zellers
Dill  Hornstein  Lieder  Norton  Slawik  Spk. Kelliher
Dittrich  Hortman  Lillie  Olin  Slocum
Domínguez  Hosch  Loeffler  Otremba  Solberg

The motion did not prevail and the amendment was not adopted.
Seifert offered an amendment to H. F. No. 464, the second engrossment, as amended.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Seifert amendment was not in order. Speaker pro tempore Thissen ruled the point of order well taken and the Seifert amendment out of order.

Seifert appealed the decision of Speaker pro tempore Thissen.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Westrom and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler
Anderson, B.
Anderson, S.
Anzelc
Atkins
Beard
Berns
Bigham
Bly
Brod
Brown
Brynaert
Buesgens
Bunn
Carlson
Clark
Cornish
Davnie
Dean
DeLaForest
Demmer
Dill

Dittrich
Dominguez
Doty
Eastlund
Eken
Emmer
Erickson
Faust
Finstad
Fritz
Gardner
Garofalo
Gottwald
Greiling
Gunther
Hackbarth
Hamilton
Hansen
Hauman
Haws
Heidgerken
Hilstrom
Hilty
Holberg
Hoppe
Hornstein
Hosch
Howes
Huntley
Jarios
Johnson
Juhnke
Kahn
Kalín
Knuth
Koelen
Kohls
Kranz
Laine
Lanning
Lenczewski
Lesch
Liebling
Lieder

Loeffler
Madore
Mangus
Mahoney
Mariani
Marquat
Masin
McFarlane
McNamara
Moe
Morgan
Morrow
Murphy, E.
Murphy, M.
Nelson
Nornes
Norton
Olin
Olson
Otremba
Ozment
Paymar
Pelowski
Peppin
Peterson, A.
Peterson, N.
Peterson, S.
Poppe
Rukavina
Ruth
Ruud
Sailer
Scalze
Seifert
Welti
Sertich
Severson
Shimanski
Simon
Simpson
Slocum
Smith
Solberg
Sviggum
Swails
Thai
Thissen
Tillberry
Tingelstad
Tschumper
Urdahl
Wagenius
Walker
Ward
Wardlow
Weltz
Winkler
Wollschlager
Zellers
Spk. Kelliher

Seifert moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The vote was taken on the question "Shall the decision of Speaker pro tempore Thissen stand as the judgment of the House?" and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.
There were 84 yeas and 49 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Anzelc</th>
<th>Erhardt</th>
<th>Huntley</th>
<th>Loeffler</th>
<th>Otrema</th>
<th>Slawik</th>
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<td>Atkins</td>
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<td>Bly</td>
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<td>Kahn</td>
<td>Marquart</td>
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<td>Brown</td>
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<td>Brynaert</td>
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<td>Knuth</td>
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<td>Peterson, S.</td>
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<td>Carlson</td>
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<td>Murphy, E.</td>
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<td>Davnie</td>
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<td>Dominguez</td>
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<td>Doty</td>
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<td>Eken</td>
<td>Howes</td>
<td>Lillic</td>
<td>Olin</td>
<td>Simon</td>
<td>Spk. Kelliher</td>
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Those who voted in the negative were:

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<tr>
<th>Abeler</th>
<th>Dean</th>
<th>Garofalo</th>
<th>Kranz</th>
<th>Ruth</th>
<th>Wardlow</th>
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<tr>
<td>Anderson, B.</td>
<td>DeLaForest</td>
<td>Gottwalt</td>
<td>Lanning</td>
<td>Seifert</td>
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<td>Anderson, S.</td>
<td>Demmer</td>
<td>Gunther</td>
<td>Magnus</td>
<td>Severson</td>
<td>Westrom</td>
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<td>Beard</td>
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<td>Paulsen</td>
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<td>Cornish</td>
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<td>Kohls</td>
<td>Peppin</td>
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</table>

So it was the judgment of the House that the decision of Speaker pro tempore Thissen should stand.

Seifert moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, line 8, after the period, insert "The premium rates must not increase by more than 25 percent in any two-year period."

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.
There were 50 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler  Dean  Finstad  Kalin  Otremba  Tingelstad
Anderson, B.  DeLaForest  Garofalo  Kohls  Paulsen  Urdaahl
Anderson, S.  Demmer  Gottwalt  Lanning  Peppin  Wardlow
Beard  Dettmer  Hackbart  Magnus  Ruth  Westrom
Berns  Eastlund  Hamilton  McFarlane  Seifert  Zellers
Brod  Eken  Haws  McNamara  Severson  
Buesgens  Emmer  Heidgerken  Morrow  Shimanski  
Bunn  Erickson  Hoppe  Nornes  Simpson  
Cornish  Faust  Hosch  Olson  Smith  

Those who voted in the negative were:

Anzelc  Fritz  Johnson  Mahoney  Pelowski  Siggum  
Atkins  Gardner  Juhnke  Mariani  Peterson, A.  Swails  
Benson  Greiling  Kahn  Marquart  Peterson, N.  Thao  
Bigham  Gunther  Knuth  Masin  Peterson, S.  Thissen  
Bly  Hansen  Koenen  Moe  Poppe  Tillber  
Brown  Hausman  Kranz  Morgan  Rukavina  Tschumper  
Carlson  Hilstrom  Laine  Mullery  Ruud  Wagenius  
Clark  Hilty  Lenczewski  Murphy, E.  Sailer  Walker  
Davnie  Holberg  Lesch  Murphy, M.  Scalze  Ward  
Dill  Hornstein  Liebling  Nelson  Sertich  Welti  
Dittrich  Hortman  Lieder  Norton  Simon  Winkler  
Dominguez  Howes  Lillie  Olfn  Slawik  Wollschlager  
Doty  Huntley  Loeffler  Ozment  Slocum  Spk. Kelliher  
Erhardt  Jaros  Madore  Paymar  Solberg  

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

CALL OF THE HOUSE LIFTED

Emmer moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Dean moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 2, line 24, delete everything after "coverage"

Page 2, line 25, delete everything before the comma and delete "or purchased"

A roll call was requested and properly seconded.

The question was taken on the Dean amendment and the roll was called. There were 38 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  Berns  Bunn  Demmer  Emmer  Garofalo  
Anderson, S.  Brod  Dean  Dettmer  Erickson  Gottwalt  
Beard  Buesgens  DeLaForest  Eastlund  Finstad  Hackbart  
The motion did not prevail and the amendment was not adopted.

Brod moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 43A.24, subdivision 2, is amended to read:

Subd. 2. Other eligible persons. The following persons are eligible for state paid life insurance and hospital, medical, and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the Board of Regents for employees of the University of Minnesota not covered by collective bargaining agreements. Coverages made available, including optional coverages, are as contained in the plan established pursuant to section 43A.18, subdivision 2:

(a) a member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner. The waiver shall not prohibit the member from enrolling the member or dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical, and dental benefits to which the position is entitled;

(b) an employee of the legislature or an employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session, as determined by the Legislative Coordinating Commission;"
(c) a judge of the appellate courts or an officer or employee of these courts; a judge of the district court, a judge of county court, or a judge of county municipal court; a district court referee, judicial officer, court reporter, or law clerk; a district administrator; an employee of the Office of the District Administrator that is not in the Second or Fourth Judicial District; a court administrator or employee of the court administrator in a judicial district under section 480.181, subdivision 1, paragraph (b), and a guardian ad litem program employee;

(d) a salaried employee of the Public Employees Retirement Association;

(e) a full-time military or civilian officer or employee in the unclassified service of the Department of Military Affairs whose salary is paid from state funds;

(f) a salaried employee of the Minnesota Historical Society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) an employee of the regents of the University of Minnesota;

(h) notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982, and is covered by the Minnesota State Retirement System correctional employee retirement plan or the State Patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which the employee was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program;

(i) an employee of an agency of the state of Minnesota identified through the process provided in this paragraph who is eligible to retire prior to age 65. The commissioner and the exclusive representative of state employees shall enter into agreements under section 179A.22 to identify employees whose positions are in programs that are being permanently eliminated or reduced due to federal or state policies or practices. Failure to reach agreement identifying these employees is not subject to impasse procedures provided in chapter 179A. The commissioner must prepare a plan identifying eligible employees not covered by a collective bargaining agreement in accordance with the process outlined in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires when the person terminates active employment in state service and applies for a retirement annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of the month in which the retired employee chooses not to receive an annuity, or the employee is eligible for employer-paid health insurance from a new employer. The retired employees shall be eligible for coverages to which they were entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they retired, provided that the retired employees shall not be eligible for state-paid life insurance;

(j) employees of the state Board of Public Defense, with eligibility determined by the state Board of Public Defense in consultation with the commissioner of employee relations; and
(k) employees of supporting organizations of Minnesota Technology, Inc., established after July 1, 2003, under section 116O.05, subdivision 4, as paid for by the supporting organization; and

(l) employees of school districts as defined in section 120A.05, at the option of the school district, provided that coverage for employees included in this paragraph is not state-paid.

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

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 58 yeas and 76 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Anderson, B.</th>
<th>Dean</th>
<th>Gardner</th>
<th>Jaros</th>
<th>Nornes</th>
<th>Shimanski</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson, S.</td>
<td>DeLaForest</td>
<td>Garofalo</td>
<td>Kohls</td>
<td>Norton</td>
<td>Simpson</td>
</tr>
<tr>
<td>Beard</td>
<td>Demmer</td>
<td>Gottwalt</td>
<td>Lanning</td>
<td>Olson</td>
<td>Slawik</td>
</tr>
<tr>
<td>Berns</td>
<td>Dettmer</td>
<td>Greiling</td>
<td>Lillie</td>
<td>Otremba</td>
<td>Smith</td>
</tr>
<tr>
<td>Brod</td>
<td>Doty</td>
<td>Gunther</td>
<td>Loeffler</td>
<td>Paulsen</td>
<td>Sviggum</td>
</tr>
<tr>
<td>Brynaert</td>
<td>Eastlund</td>
<td>Hack Barth</td>
<td>Mariami</td>
<td>Peppin</td>
<td>Ward</td>
</tr>
<tr>
<td>Buesgens</td>
<td>Eken</td>
<td>Haws</td>
<td>McFarlane</td>
<td>Poppe</td>
<td>Westrom</td>
</tr>
<tr>
<td>Bunn</td>
<td>Emmer</td>
<td>Holberg</td>
<td>McNamara</td>
<td>Ruth</td>
<td>Zellers</td>
</tr>
<tr>
<td>Cornish</td>
<td>Erickson</td>
<td>Hoppe</td>
<td>Morrow</td>
<td>Seifert</td>
<td></td>
</tr>
<tr>
<td>Davnie</td>
<td>Finstad</td>
<td>Hosch</td>
<td>Mullery</td>
<td>Severson</td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Faust</th>
<th>Juhnke</th>
<th>Mahoney</th>
<th>Peterson, N.</th>
<th>Tillberry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anzelc</td>
<td>Fritz</td>
<td>Kahn</td>
<td>Marquart</td>
<td>Peterson, S.</td>
<td>Tingelstad</td>
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<tr>
<td>Atkins</td>
<td>Hamilton</td>
<td>Kalin</td>
<td>Masin</td>
<td>Rukavina</td>
<td>Tschumper</td>
</tr>
<tr>
<td>Benson</td>
<td>Hansen</td>
<td>Knuh</td>
<td>Moe</td>
<td>Ruud</td>
<td>Urbah</td>
</tr>
<tr>
<td>Bigham</td>
<td>Hausman</td>
<td>Koenen</td>
<td>Morgan</td>
<td>Sailer</td>
<td>Wagenius</td>
</tr>
<tr>
<td>Bly</td>
<td>Heiderken</td>
<td>Kranz</td>
<td>Murphy, E.</td>
<td>Scalze</td>
<td>Walker</td>
</tr>
<tr>
<td>Brown</td>
<td>Hilstrom</td>
<td>Laine</td>
<td>Murphy, M.</td>
<td>Sertich</td>
<td>Wardlow</td>
</tr>
<tr>
<td>Carlson</td>
<td>Hilty</td>
<td>Lenczewski</td>
<td>Nelson</td>
<td>Simon</td>
<td>Welti</td>
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<td>Clark</td>
<td>Hornstein</td>
<td>Lesch</td>
<td>Olin</td>
<td>Slocum</td>
<td>Winkler</td>
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<td>Dill</td>
<td>Hortman</td>
<td>Liebling</td>
<td>Ozent</td>
<td>Solberg</td>
<td>Wolfschlager</td>
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<tr>
<td>Dittrich</td>
<td>Howes</td>
<td>Lieder</td>
<td>Paymar</td>
<td>Swails</td>
<td>Spk. Kelliher</td>
</tr>
<tr>
<td>Dominguez</td>
<td>Huntley</td>
<td>Madore</td>
<td>Pelowski</td>
<td>Thao</td>
<td></td>
</tr>
<tr>
<td>Erhardt</td>
<td>Johnson</td>
<td>Magnus</td>
<td>Peteron, A.</td>
<td>Thissen</td>
<td></td>
</tr>
</tbody>
</table>

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

Emmer moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 4, delete lines 10 to 12

Page 4, line 13, delete "8" and insert "7"
Page 4, line 20, delete "9" and insert "8"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Scalze was excused between the hours of 6:45 p.m. and 9:45 p.m.

Kohls moved to amend H. F. No. 464, the second engrossment, as amended, as follows:

Page 3, after line 36, insert:

"(k) When a pool plan is self-insured, no more than 12 percent of all revenues shall be used for administrative expenses."

A roll call was requested and properly seconded.

The question was taken on the Kohls amendment and the roll was called. There were 51 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abeler  Dean  Faust  Kalin  Norton  Smith
Anderson, B.  DeLaForest  Finstad  Kohls  Olson  Tingelstad
Anderson, S.  Demmer  Garofalo  Kranz  Paulsen  Tschumper
Beard  Dettmer  Gottwald  Lanning  Peppin  Wardlow
Berns  Dittrich  Hack Barth  Lenczewski  Ruth  Westrom
Brod  Doty  Hamilton  Magnus  Seifert  Zellers
Brynaert  Eastlund  Haws  McFarlane  Severson
Buesgens  Emmer  Holberg  McNamara  Shimanski
Bunn  Erickson  Hoppe  Nornes  Simpson

Those who voted in the negative were:

Anzelc  Fritz  Jaros  Marian  Peterson, A.  Thao
Atkins  Gardner  Johnson  Marquart  Peterson, N.  Thissen
Benson  Greiling  Juhnke  Masin  Peterson, S.  Tillberry
Bigham  Gunther  Kahnt  Moe  Poppe  Urda hl
Bly  Hansen  Knuth  Morgan  Rukavina  Wagenius
Brown  Hausman  Koenen  Morrow  Ruud  Walker
Carlson  Heidgerken  Laine  Murphy, E.  Sailer  Ward
Clark  Hilstrom  Lesch  Murphy, M.  Sertich  Welti
Cornish  Hilty  Liebling  Nelson  Simon  Winkler
Davnie  Hornstein  Lieder  Olin  Slawik  Wollschlager
Dill  Hortman  Lillie  Otemba  Slocum  Spk. Kelliher
Dominguez  Hosch  Loeffler  Ozment  Solberg
Eken  Howes  Madore  Paymar  Sviggum
Erhardt  Huntley  Mahoney  Pelowski  Swalls

The motion did not prevail and the amendment was not adopted.
Demmer offered an amendment to H. F. No. 464, the second engrossment, as amended.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Demmer amendment was not in order. Speaker pro tempore Thissen ruled the point of order well taken and the Demmer amendment out of order.

Seifert appealed the decision of Speaker pro tempore Thissen.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Thissen stand as the judgment of the House?" and the roll was called. There were 88 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anzelc  Eken  Howes  Lillie  Olin  Solberg
Atkins  Erhardt  Huntley  Loeffler  Otremba  Swails
Benson  Faust  Jaros  Madore  Paymar  Thao
Bigham  Fritz  Johnson  Mahoney  Pelowski  Thissen
Bly  Gardner  Juhnke  Mariani  Peterson, A.  Tillberry
Brown  Greiling  Kahn  Marquart  Peterson, N.  Tschumper
Brynaert  Gunther  Kain  Masin  Peterson, S.  Wagenius
Bunn  Hansen  Knuth  Moe  Poppe  Walker
Carlson  Hausman  Koenen  Morgan  Rukavina  Ward
Clark  Haws  Kranz  Morrow  Ruud  Welti
Davnie  Hilstrom  Laine  Mullery  Sailer  Winkler
Dill  Hilty  Lenczewski  Murphy, E.  Sertich  Wollschlager
Dittrich  Hornstein  Lesch  Murphy, M.  Simon  Spk. Kelliher
Dominguez  Hortman  Liebling  Nelson  Slawik
Doty  Hosch  Lieder  Norton  Slocum

Those who voted in the negative were:

Abeler  Dean  Garofalo  Lanning  Ruth  Wardlow
Anderson, B.  DeLaForest  Gottwalt  Magnus  Seifert  Westrom
Anderson, S.  Demmer  Hackbart  McFarlane  Severson  Zellers
Beard  Dettmer  Hamilton  McNamara  Shimanski
Berns  Eastlund  Heidgerken  Nornes  Simpson
Brod  Emmer  Holberg  Olson  Smith
Buesgens  Erickson  Hoppe  Paulsen  Tinglestad
Cornish  Finstad  Kohls  Peppin  Udahl

So it was the judgment of the House that the decision of Speaker pro tempore Thissen should stand.

H. F. No. 464, as amended, was read for the third time.
Seifert moved that H. F. No. 464, the second engrossment, as amended, be re-referred to the Committee on E-12 Education.

A roll call was requested and properly seconded.

The question was taken on the Seifert motion and the roll was called. There were 41 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  Dean  Erickson  Hoppe  Olson  Severson
Anderson, S.  DeLaForest  Finstad  Kohls  Paulsen  Shimanski
Beard  Demmer  Gardner  Lanning  Peppin  Simpson
Bern  Dettmer  Garofalo  Magnus  Peterson, N.  Sivigum
Brod  Eastlund  Gottwalt  McFarlane  Ruth  Westrom
Buesgens  Emmer  Hackbart  McNamara  Ruud  Zellers
Cornish  Erhardt  Holberg  Nornes  Seifert

Those who voted in the negative were:

Abeler  Eken  Huntley  Madore  Paymar  Tillberry
Anzelc  Faust  Jaros  Mahoney  Pelowski  Tingelstad
Atkins  Fritz  Johnson  Mariani  Peterson, A.  Tschumper
Benson  Greiling  Juhnke  Marquart  Peterson, S.  Urdahl
Bigham  Gunther  Kahn  Masin  Poppe  Wagenius
Bly  Hamilton  Kalin  Moe  Rukavina  Walker
Brown  Hansen  Knuth  Morgan  Sailer  Ward
Brynaert  Haasman  Koenen  Morrow  Sertich  Wardlow
Bunn  Haws  Kranz  Mullery  Simon  Welti
Carlson  Heidgerken  Laine  Murphy, E.  Slawik  Winkler
Clark  Hilstrom  Lenczewski  Murphy, M.  Slocum  Wolschlager
Davnie  Hilz  Lesch  Nelson  Smith  Spk. Kelliher
Dill  Hornstein  Liebling  Norton  Solberg
Dittrich  Hortman  Lieder  Olin  Swails
Dominguez  Hosch  Lillie  Otremba  Thao
Doty  Howes  Loeffler  Ozment  Thissen

The motion did not prevail.

Seifert moved that H. F. No. 464, the second engrossment, as amended, be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections. The motion did not prevail.

H. F. No. 464, A bill for an act relating to insurance; creating a statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2006, sections 3.971, subdivision 6; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill, as amended, was placed upon its final passage.
The question was taken on the passage of the bill and the roll was called. There were 81 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler  Faust  Huntley  Magnus  Paymar  Thissen
Anzelc  Fritz  Jaros  Mahoney  Pelowski  Tillberry
Akins  Gunther  Johnson  Mariam  Peterson, A.  Tingelstad
Bigham  Hamilton  Juhnke  Marquart  Peterson, N.  Tschumper
Bly  Hansen  Kalin  Masin  Peterson, S.  Udahl
Brown  Hausman  Knuth  Moe  Poppe  Walker
Carlson  Haws  Koenen  Morgan  Rukavina  Ward
Clark  Heidgerken  Kranz  Murphy, E.  Sailer  Wardlow
Cornish  Hilstrom  Laine  Murphy, M.  Sertich  Welti
Dill  Hilty  Lenczewski  Nelson  Slocum  Wollschlager
 Dittrich  Hornstein  Lesch  Nornes  Solberg  Spk. Kelliher
Dominguez  Hortman  Liebling  Olin  Svigum  Sviggum
Doty  Hosch  Lieder  Otemba  Swails  Thao
Eken  Howes  Madore  Ozment  Thao

Those who voted in the negative were:

Anderson, B.  Davnie  Finstad  Kohls  Olson  Simpson
Anderson, S.  Dean  Gardner  Lanning  Paulsen  Slawik
Beard  DeLaForest  Garofalo  Lillie  Peppin  Smith
Benson  Demmer  Gottwalt  Loefler  Ruth  Wagenius
Berns  Dettmer  Greiling  McFarlane  Ruud  Westrom
Brod  Eastlund  Hackbarth  McNamara  Seifert  Winkler
Brynaert  Emmer  Holberg  Morrow  Severson  Zellers
Buesgens  Erhardt  Hoppe  Mullery  Shimanski
Bunn  Erickson  Kahn  Norton  Simon

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

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Juhnke.

Svigum was excused between the hours of 9:45 p.m. and 10:00 p.m.

Winkler was excused between the hours of 9:45 p.m. and 10:15 p.m.

Huntley was excused for the remainder of today's session.
There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1351, A bill for an act relating to transportation; modifying or adding provisions related to geotechnical investigations before eminent domain proceedings, the highway sign franchise program, streets and highways, highway safety rest areas, highway construction bids and training, town road abandonment, bridges, special mobile equipment, motor vehicle titles, motor vehicle transfers, traffic regulations, flammable liquid definition, drivers' licenses and identification cards, driver records and education, the Real ID Act, traffic-control signals, transportation goals and mission, statewide transportation plan, metropolitan transportation system performance evaluations, transportation contracts, rail service improvement, use of rail bank property, local airports, towing, vehicle impoundments, transit and paratransit, special transportation, small vehicle passenger service, transportation accessibility, transit ways and facilities, light rail transit, vehicle license plates, vehicle size and weight restrictions, vehicle load limits and permits, paper product vehicle routes and permits, definition of full-size pickup truck, vehicle idle reduction technology, commercial vehicles and drivers, vehicle registration, insurance requirements for vehicles owned by charitable organizations, the Unified Carrier Registration Agreement, household goods movers, obsolete motor carrier laws and conforming changes, railroad company requirements, the position of state rail safety inspector, and the Railroad Walkways Safety Act; requiring studies and reports; imposing penalties; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2006, sections 117.041, by adding a subdivision; 160.02, subdivision 19, by adding a subdivision; 160.80; 161.14, subdivision 18, by adding subdivisions; 161.32. subdivisions 1, b, 4; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.01, by adding a subdivision; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.087, subdivision 1, by adding a subdivision; 169.01, subdivisions 4c, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.14, subdivision 2, by adding subdivisions; 169.34; 169.471, subdivision 1; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivision 2; 169.8261; 169.886, subdivision 3; by adding a subdivision; 169.862; 169.864, subdivision 1, 2; 169.87, subdivision 4; 170.01, by adding a subdivision; 170.01, subdivision 1; 170.06, subdivision 3; 170.07, subdivisions 1, 3; 170.12, subdivision 6; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding subdivisions; 174.24, subdivision 2a; 174.255, by adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9; 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031, subdivisions 1, 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091, subdivision 2; 221.132; 221.141, subdivisions 1, 4; 221.153; 221.221, subdivision 3; 221.231; 221.291, subdivision 2; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a subdivision; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivisions 1, 3, by adding a subdivision; 473.3994; 473.3997; 473.4051; 473.408, by adding subdivisions; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1, 2, 3, 4, 5, 6a, 6c, 6d, 6e, 6f, 7; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141,
subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; 473.3994, subdivision 13; Laws 1999, chapter 230, section 44.

The Senate has appointed as such committee:

Senators Murphy, Rest, Jungbauer, Carlson and Skoe.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Davnie moved that the House concur in the Senate amendments to H. F. No. 1758 and that the bill be repassed as amended by the Senate.

CALL OF THE HOUSE

On the motion of Emmer and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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<tr>
<th>Abeler</th>
<th>Dittrich</th>
<th>Hornstein</th>
<th>Loeffler</th>
<th>Ozment</th>
<th>Swails</th>
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<td>Anderson, B.</td>
<td>Dominguez</td>
<td>Hortman</td>
<td>Madore</td>
<td>Paulsen</td>
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<td>Hosch</td>
<td>Mahoney</td>
<td>Paymar</td>
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<td>Benson</td>
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<td>Johnson</td>
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<td>Berns</td>
<td>Emmer</td>
<td>Juhnke</td>
<td>Marquart</td>
<td>Peterson, A.</td>
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<td>Bigham</td>
<td>Faust</td>
<td>Kahn</td>
<td>Masin</td>
<td>Peterson, S.</td>
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<td>Bly</td>
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<td>Moe</td>
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<td>Brod</td>
<td>Fritz</td>
<td>Knuth</td>
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<td>Brown</td>
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<td>Bunn</td>
<td>Gunther</td>
<td>Kranz</td>
<td>Murphy, E.</td>
<td>Sertich</td>
<td>Zellers</td>
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<td>Carlson</td>
<td>Hansen</td>
<td>Laine</td>
<td>Murphy, M.</td>
<td>Shimanski</td>
<td>Spk. Kelliher</td>
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<td>Clark</td>
<td>Hausman</td>
<td>Lanning</td>
<td>Nelson</td>
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<td>Davnie</td>
<td>Haws</td>
<td>Lesch</td>
<td>Nornes</td>
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<td>DeLaForest</td>
<td>Heidgerken</td>
<td>Liebling</td>
<td>Norton</td>
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<td>Detmer</td>
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<td>Dill</td>
<td>Hoppe</td>
<td>Lillie</td>
<td>Otremba</td>
<td>Solberg</td>
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Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.
The question recurred on the Davnie motion that the House concur in the Senate amendments to H. F. No. 1758 and that the bill be repassed as amended by the Senate. The motion prevailed.

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

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 122 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler  Dominguez  Holberg  Lillie  Paulsen  Smith
Anderson, S.  Doty  Hoppe  Loeffler  Paymar  Solberg
Anzelc  Eastlund  Hornstein  Madore  Pelowski  Swails
Atkins  Eken  Hortman  Magnus  Peppin  Thao
Beard  Erhardt  Hosch  Mahoney  Peterson, A.  Thissen
Benson  Erickson  Howes  Mariani  Peterson, N.  Tillberry
Berns  Faust  Jaros  Marquart  Peterson, S.  Tingelstad
Bigham  Finstad  Johnson  Masin  Poppe  Tschumper
Bly  Fritz  Juhnke  McFarlane  Rukavina  Udahl
Brod  Gardner  Kahn  Moe  Ruud  Wagenius
Brown  Garofalo  Kalin  Morgan  Ruud  Walker
Brynaert  Gottwald  Knuth  Morrow  Sailer  Ward
Bunn  Greiling  Koenen  Mullery  Scalze  Wardlow
Carlson  Gunther  Kohls  Murphy, E.  Seifert  Welti
Clark  Hamilton  Kranz  Murphy, M.  Sertich  Wollschlager
Davnie  Hansen  Laine  Nelson  Shimanski  Zellers
DeLaForest  Hausman  Lanning  Nornes  Simon  Spk. Kelliher
Demmer  Haws  Lenczewski  Norton  Simon
Dettmer  Heidgerken  Lesch  Olin  Simpson
Dill  Hilstrom  Liebling  Otremba  Slawik
Dittrich  Hilty  Lieder  Ozment  Slocum

Those who voted in the negative were:

Anderson, B.  Buesgens  Emmer  Hackebart

The bill was repassed, as amended by the Senate, and its title agreed to.
Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1085.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. No. 1085

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

May 8, 2007

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

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

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

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

Page 3, delete line 15

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

Page 3, after line 18, insert:

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

Page 7, after line 14, insert:

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

(a) A person who sells fluorescent lamps at retail must post the notice in paragraph (b) in a manner clearly visible to a consumer examining fluorescent lamps offered for sale."
(b) The notice must be in 36-point type or larger and state:

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

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

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

Sec. 18. CONSUMER EDUCATION REGARDING FLUORESCENT BULBS.

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

Amend the title as follows:

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

Correct the title numbers accordingly

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

Senate Conferees: JOHN MARTY, RON LATZ AND MICHELLE L. FISCHBACH.

House Conferees: MELISSA HORTMAN, AUGUSTINE "WILLIE" DOMINGUEZ AND JIM ABELE.

Hortman moved that the report of the Conference Committee on S. F. No. 1085 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1085, A bill for an act relating to health and the environment; prohibiting the sale of certain mercury-containing products; modifying restrictions on the sale, use, and disposal of certain mercury-containing products; requiring certain consumer information; modifying lamp recycling facility operation requirements; amending Minnesota Statutes 2006, sections 115A.932, subdivision 1; 116.92, subdivisions 3, 7a, by adding subdivisions; 116.93, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116; 121A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.
Solberg moved that those not voting be excused from voting. The motion prevailed.

There were 111 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeler
Anderson, S.
Anzelc
Atkins
Benson
Berns
Bigham
Bly
Brod
Brown
Brynaert
Bunn
Carlson
Clark
Cornish
Davnie
Dean
Demmer
Dill

Those who voted in the negative were:

Anderson, B.
Beard
Buesgens
DeLaForest

The bill was repassed, as amended by Conference, and its title agreed to.

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1165.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate
CONFERENCE COMMITTEE REPORT ON S. F. No. 1165

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

May 15, 2007

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

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

That the Senate concur in the House amendments.

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

Senate Conferees:  RICK E. OLESEN, MARY A. OLSON AND WARREN LIMMER.

House Conferees:  ANDY WELTI, STEVE SIMON AND ROD HAMILTON.

Welti moved that the report of the Conference Committee on S. F. No. 1165 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1165, A bill for an act relating to the open meeting law; authorizing meetings by telephone or other electronic means under certain conditions; amending Minnesota Statutes 2006, section 13D.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13D.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:
Those who voted in the negative were:

DeLaForest  Dettmer

The bill was repassed, as amended by Conference, and its title agreed to.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 167. A bill for an act relating to unemployment insurance; making various policy, housekeeping, and style changes to the Minnesota Unemployment Insurance Law; incorporating certain administrative rules into Minnesota Statutes; modifying fraud penalties; extending certain unemployment benefits; amending Minnesota Statutes 2006, sections 268.001; 268.03, subdivisions 1, 2; 268.035, subdivisions 1, 4, 9, 10, 11, 12, 13, 14, 15, 17, 20, 21a, 23, 23a, 24, 26, 29, 30, by adding a subdivision; 268.042, subdivisions 1, 3, 4; 268.043; 268.0435; 268.044, subdivisions 1, 1a, 2, 3, 4; 268.045, subdivision 1; 268.046; 268.047, subdivisions 1, 2, 3, 5; 268.051, subdivisions 1, 1a, 2, 3, 4, 4a, 5, 6, 7, 8, 9; 268.052, subdivisions 1, 2, 3, 4, 5; 268.0525, 268.053, subdivisions 1, 2, 3, 268.057, subdivisions 1, 2, 3, 4, 5, 6, 7, 10; 268.058; 268.059; 268.0625, subdivisions 4, 5; 268.065, subdivisions 1, 3; 268.066; 268.067; 268.0675; 268.068; 268.069, subdivisions 1, 2, 3; 268.07, subdivisions 1, 2, 3a, 3b; 268.084; 268.085, subdivisions 1, 2, 3a, 4, 5, 6, 7, 8, 9, 11, 12, 13, 13a, 13b, 13c, 16; 268.086, subdivisions 1, 2, 3, 4, 5, 6, 6a, 7, 10, 11; 268.101; 268.103, subdivisions 1, 2; 268.105, subdivisions 1, 2, 3a, 4, 5, 6, 7; 268.115; 268.125, subdivisions 3, 4, 5; 268.131, subdivision 1; 268.135; 268.145, subdivisions 1, 2, 3; 268.155; 268.18, subdivisions 1, 2, 3, 4, 5, 6; 268.182, subdivisions 1, 2, 268.184, subdivisions 1, 1a; 268.186; 268.188; 268.19, subdivisions 1, 1a, 2; 268.192; 268.194, subdivisions 1, 2, 3, 4, 5, 6; 268.196, subdivisions 1, 2, 3; 268.20; 268.21; 268.22; 268.23; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2006, sections 268.0435; 268.0511; 268.085, subdivision 10; 268.103, subdivision 4; Minnesota Rules, parts 3315.0210; 3315.0220; 3315.0515; 3315.0520; 3315.0525; 3315.0530, subparts 2, 3, 4, 5, 6; 3315.0540; 3315.0550; 3315.0910, subparts 1, 2, 3, 4, 5, 6, 7, 8; 3315.1005, subparts 1, 3; 3315.1315, subpart 4; 3315.2010; 3315.2810, subparts 2, 4.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed such committee:

Senators Sparks, Metzen and Gimse.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate
Mahoney moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 167. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

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

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Marty, Torres Ray and Bonoff.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sertich moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 184. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 1377, A bill for an act relating to state government; revising certain laws governing state boards and advisory groups; amending Minnesota Statutes 2006, sections 15.059, subdivision 5; 16B.181, subdivision 2; 16C.17; 21.112; 43A.318, subdivision 1; 62J.693, subdivision 2; 92.35; 129D.04, subdivision 1; 240.18, subdivision 4; 245.71; 245.97, by adding a subdivision; 252.282, subdivision 5; 353D.01, subdivision 1; 354C.12, subdivision 4; 356A.02, subdivision 1; Laws 1976, chapter 199, section 14, subdivision 1, as amended; repealing Minnesota Statutes 2006, sections 3.884; 16B.055; 16B.65, subdivision 5; 16B.76; 18B.305, subdivision 3; 43A.318, subdivision 3; 62J.692, subdivision 2; 115.54; 115A.9651, subdivision 5; 116C.93; 116O.091, subdivision 7; 125B.21; 127A.30; 145.9266, subdivisions 6, 7; 175.008; 241.021, subdivision 4b; 242.56, subdivision 3; 245.699; 252.282, subdivision 4; 256B.0625, subdivision 13a; 256B.77, subdivision 23; 256C.28; 299A.293; 299A.331; 326.41; 352.98, subdivision 6; 354B.25, subdivision 1a; 611A.25; 611A.361.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Rest, Robling and Pappas.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate
Brod moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1377. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 653, 886 and 430.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

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

The bill was read for the first time and referred to the Committee on Finance.

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

The bill was read for the first time.

Mariani moved that S. F. No. 886 and H. F. No. 771, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 430, A bill for an act relating to retirement; various retirement plans; authorizing an optional annuity election for the surviving spouse of a deceased former legislator; permitting the optional early division of legislators retirement plan retirement allowances upon a marriage dissolution; expanding the membership of the general state employees retirement plan and the State Patrol retirement plan; permitting withholding of insurance premiums from public safety employee annuities; providing special coverage to privatized employees of Lakefield Nursing Home, Lakeview Nursing Home, Oakland Park Nursing Home, and Hutchinson Area Health Care; permitting various prior service credit purchases; exempting certain Anoka County employees from reemployed annuitant earnings limitations; permitting certain combined service annuity back payments; permitting a delayed disability benefit application; making various administrative changes in various statewide retirement plans; modifying disability determination procedures and disability benefits in various plans administered by the Public Employees Retirement Association; authorizing investment in the State Board of Investment by the Minneapolis Employees Retirement Fund; relaxing certain Minneapolis Employees Retirement Fund liquidity transfer requirements; expanding the coverage group of the state employees correctional retirement plan to include various Department of Corrections and Department of Human Services employees; modifying various aspects of the volunteer fire supplemental benefit coverage; correcting various 2006 drafting errors; establishing a pilot postretirement adjustment; including the Public Employees Retirement Association staff in the state's postretirement option; extending the 2006 special retirement incentive to 2009 and making certain modifications; authorizing an additional postretirement adjustment for surviving spouses receiving benefits from the Thief River Falls Police Trust Fund; amending Minnesota Statutes 2006, sections 3.85, subdivision 10; 3A.02,
The bill was read for the first time.

Murphy, M., moved that S. F. No. 430 and H. F. No. 1978, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Thursday, May 17, 2007:


The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. No. 532

A bill for an act relating to consumer protection; regulating certain contracts entered into by military service personnel; authorizing cancellations; requiring utilities to establish payment arrangements for military service personnel; proposing coding for new law in Minnesota Statutes, chapters 190; 325E; 325G.

May 14, 2007

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 532 report that we have agreed upon the items in dispute and recommend as follows:
That the Senate recede from its amendments and that H. F. No. 532 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [325E.027] UTILITY PAYMENT ARRANGEMENTS FOR MILITARY SERVICE PERSONNEL.

Subdivision 1. Restriction on disconnection; payment schedules. (a) A municipal utility, cooperative electric association, or public utility must not disconnect the utility service of a residential customer if a member of the household has been issued orders into active duty, for deployment, or for a permanent change in duty station during the period of active duty, deployment, or change in duty station if such a residential customer:

(1) has a household income below the state median household income or is receiving energy assistance and enters into an agreement with the municipal utility, cooperative electric association, or public utility under which the residential customer pays ten percent of the customer's gross monthly income toward the customer's bill and the residential customer remains reasonably current with those payments; or

(2) has a household income above the state median household income and enters into an agreement with the municipal utility, cooperative electric association, or public utility establishing a reasonable payment schedule that considers the financial resources of the household and the residential customer remains reasonably current with payments under the payment schedule.

(b) For purposes of this subdivision, "household income" means household income measured after the date of the orders specified in paragraph (a).

Subd. 2. Annual notice to all customers; inability to pay forms. (a) A municipal utility, cooperative electric association, or public utility must notify all residential customers annually of the provisions of this section.

(b) A municipal utility, cooperative electric association, or public utility must provide a form to a residential customer to request the protections of this section upon the residential customer's request.

Subd. 3. Application to service limiters. For the purposes of this section, "disconnection" includes a service or load limiter or any device that limits or interrupts electric service in any way.

Subd. 4. Income verification. Verification of income may be conducted by the local energy assistance provider or the municipal utility, cooperative electric association, or public utility unless the customer is automatically eligible for protection against disconnection as a recipient of any form of public assistance, including energy assistance that uses income eligibility in an amount at or below the income eligibility in subdivision 1, clause (1).

Subd. 5. Appeal process. (a) The municipal utility, cooperative electric association, or public utility shall provide the residential customer with a commission-approved written notice of the right to appeal to the commission or other appropriate governing body when the utility and residential customer are unable to agree on the establishment, reasonableness, or modification of a payment schedule, or on the reasonable timeliness of the payments under a payment schedule, provided for by this section. Any appeal must be made within seven working days after the residential customer's receipt of personally served notice, or within ten working days after the utility has deposited first class mail notice in the United States mail.

(b) The utility shall not disconnect service while a payment schedule is pending appeal, or until any appeal involving payment schedules has been determined by the commission.
Subd. 6. **Enforcement.** This section may be enforced pursuant to chapter 216B.

Sec. 2. **[325G.53] CANCELLATION WITHOUT PENALTY OF WIRELESS CONTRACTS BY MILITARY SERVICE PERSONNEL.**

Subdivision 1. **Authority.** Any service member who has been issued orders into active duty, for deployment, or for a permanent change of duty station, or the spouse of the service member, may terminate, without penalty, a wireless service contract, or some portion of it, that is executed by or on behalf of the service member or by the spouse of that service member.

Subd. 2. **When effective.** Termination of the wireless service contract is not effective until 30 days after the service member or the service member's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the wireless service contract or part of it, and provides a copy of the service member's order for activation, deployment, or change of duty station.

Subd. 3. **Enforcement.** This section may be enforced by the attorney general pursuant to section 8.31.

Sec. 3. **[325G.54] CANCELLATION WITHOUT PENALTY OF RENTAL, CLUB, SERVICE, AND MEMBERSHIP TRAVEL CONTRACTS BY MILITARY SERVICE PERSONNEL.**

Subdivision 1. **Application.** This section applies to any rental contracts, club contracts under section 325G.23, service contracts, and membership travel contracts under section 325G.50 in which:

(1) such a contract was executed by or on the behalf of a person who, after the execution of the contract, was issued orders into active duty, for deployment, or for a permanent change of duty station; and

(2) where as a result of the orders it is impractical for the person to enjoy the benefits of the contract.

Subd. 2. **Authority.** A service member who enters into a rental, club, membership travel, or service contract, and who is issued orders into active duty, for deployment, or for a permanent change of duty station, subsequent to the execution of the contract, is entitled to cancel the contract at no penalty and with a full refund of any money which may have been placed on deposit where the service member's military activation, deployment, or change in duty station causes it to be impractical for the service member to abide by the terms and conditions of the contract. For purposes of this section, "service contract" includes those for services such as television, computer, Internet service, or any other type of service.

Subd. 3. **Notice.** Any such contract may be terminated by notice in writing sent to the contractor by the person issued orders for active duty, for deployment, or for a permanent change of duty station, canceling the service member's rental, club, or membership travel contract. The notice must include a copy of the orders in question. Delivery of the notice must be made by certified mail addressed to the contractor. The termination of the contract is effective the day following receipt of proper notice as described in this subdivision.

Subd. 4. **Enforcement.** This section may be enforced by the attorney general pursuant to section 8.31."

Delete the title and insert:

"A bill for an act relating to consumer protection; regulating certain contracts entered into by military service personnel; authorizing cancellations; requiring utilities to establish payment arrangements for military service personnel; proposing coding for new law in Minnesota Statutes, chapters 325E; 325G."
We request the adoption of this report and repassage of the bill.

House Conferees: Ryan Winkler, Karla Bigham and Jim Abeler.

Senate Conferees: Sharon L. Erickson Ropes, Thomas M. Neuville and Don Betzold.

Winkler moved that the report of the Conference Committee on H. F. No. 532 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 532, A bill for an act relating to consumer protection; regulating certain contracts entered into by military service personnel; authorizing cancellations; requiring utilities to establish payment arrangements for military service personnel; proposing coding for new law in Minnesota Statutes, chapters 190; 325E; 325G.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler    Dettmer    Haws    Lesch    Olin    Slawik  
Anderson, B.    Dill    Heidgerken    Liebling    Otremba    Stlocum  
Anderson, S.    Dittrich    Hilstrom    Lieder    Ozment    Smith  
Anzelc    Dominguez    Hilty    Lillie    Paulsen    Solberg  
Atkins    Doty    Holberg    Loeffler    Paymar    Sviggum  
Beard    Eastlund    Hoppe    Madore    Pelowski    Swails  
Benson    Eken    Hornstein    Magnus    Peppin    Thao  
Berna    Emmem    Horstman    Mahoney    Peterson, A.    Thiessen  
Bigham    Erhardt    Hosch    Mariam    Peterson, N.    Tillberry  
Bly    Erickson    Howes    Marquart    Peterson, S.    Tingelstad  
Brod    Faust    Jars    Masin    Poppe    Tschumper  
Brown    Finstad    Johnson    McFarlane    Rukavina    Urda  
Brynaert    Fritz    Juhnke    McNamar    Ruth    Wagenius  
Buesgens    Gardner    Kahn    Moe    Ruud    Walker  
Bunn    Garofalo    Kalin    Morgan    Sailer    Ward  
Carlson    Gottwald    Knuth    Morrow    Scalze    Wardlaw  
Clark    Greiling    Koenen    Mullery    Seifert    Welti  
Cornish    Gunther    Kohls    Murphy, E.    Sertich    Westrom  
Davnie    Hackbart    Kranz    Murphy, M.    Severson    Winkler  
Dean    Hamilton    Laine    Nelson    Shimanski    Wollschlager  
DeLaForest    Hansen    Lanning    Nornes    Simon    Zellers  
Demmer    Hausman    Leszczewski    Norton    Simpson    Spk. Kelliher  

The bill was repassed, as amended by Conference, and its title agreed to.

CALENDAR FOR THE DAY

H. F. No. 1973 was reported to the House.
Carlson moved to amend H. F. No. 1973, the third engrossment, as follows:

Page 1, line 11, delete "PURPOSE AND"

Page 1, delete lines 12 to 16

Page 1, line 17, delete everything before "This"

Page 3, line 4, before the period, insert "_, a memorandum of agreement between an exclusive bargaining representative and the Minneapolis Library Board, and a memorandum of agreement between an exclusive bargaining representative and Hennepin County"

Page 5, line 21, after "DOCUMENTS" insert "; AGREEMENTS"

Page 5, line 24, after "act" insert "; provided that before these documents are entered into, each of these entities, or all of them jointly, must conduct a public hearing after published notice of the hearing on the merger. The hearing must be held on a weeknight, beginning between 6:00 p.m. and 7:00 p.m. All agreements entered into by the board, the city, and the county to effectuate the merger must be consistent with and aid in the accomplishment of the Guiding Principles for the Consolidation of Library Services in Hennepin County adopted by the Minneapolis Public Library Board on March 7, 2007"

Page 9, line 20, after the period, insert "When appointing members of the county library board who are residents of the city of Minneapolis, the county board must consult with the Minneapolis mayor and city council."

Page 10, line 27, delete the first "the" and insert "at least 80 percent of the represented"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Emmer moved to amend H. F. No. 1973, the third engrossment, as amended, as follows:

Page 5, after line 2, insert:

"(d) All funds available to the consolidated Hennepin County library system shall be withheld until all computers with Internet access available for use by children under age 18 are equipped with software filtering or blocking technology designed to restrict children's access to material that is reasonably believed to be obscene, child pornography, or material harmful to minors under federal or state law. The consolidated Hennepin County library system must formally adopt an Internet safety policy consistent with this section and other applicable law.

(e) To ensure that funds are not withheld under paragraph (d), the consolidated Hennepin County library system must send an electronic notice to the education department indicating that the public libraries within the system have equipped their computers with software filtering or blocking technology, consistent with this section. The consolidated Hennepin County library system must immediately transmit to the department any additional information related to public libraries' compliance with this section."
A roll call was requested and properly seconded.

**POINT OF ORDER**

Carlson raised a point of order pursuant to rule 3.21 that the Emmer amendment was not in order. Speaker pro tempore Juhnke ruled the point of order not well taken and the Emmer amendment in order.

The question recurred on the Emmer amendment and the roll was called. There were 105 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeler  Dittrich  Holberg  Magnus  Paymar  Solberg
Anderson, B.  Doty  Hoppe  Mahoney  Pelowski  Sviggum
Anderson, S.  Eastlund  Hortman  Marquart  Peppin  Swails
Atkins  Eken  Hosch  Masin  Peterson, A.  Thissen
Beard  Emmer  Howes  McFarlane  Peterson, S.  Tillberry
Benson  Erickson  Juhnke  McNamara  Poppe  Tingelstad
Berns  Faust  Kafin  Moe  Ruth  Tschumper
Bigham  Finstad  Knuth  Morgan  Ruud  Udahl
Bly  Fritz  Koenen  Morrow  Sailer  Ward
Brod  Gardner  Kohls  Murphy, E.  Scalze  Wardlow
Brown  Garofalo  Kranz  Nelson  Seifert  Welti
Buesgens  Gottwalt  Laine  Nornes  Severson  Westrom
Bunn  Gunther  Lanning  Norton  Shimanski  Winkler
Cornish  Hackbarth  Lenczewski  Olin  Simon  Wollschlager
Dean  Hamilton  Liebling  Olson  Simpson  Zellers
DeLaForest  Hansen  Lieder  Otremba  Slawik
Demmer  Haws  Lillie  Ozment  Slocum
Dettmer  Heidgerken  Madore  Paulsen  Smith

Those who voted in the negative were:

Anzelc  Dill  Hilstrom  Kahn  Peterson, N.  Walker
Brynaert  Dominguez  Hilty  Loeffler  Rukavina  Spk. Kelliher
Carlson  Erhardt  Hornstein  Mariani  Sertich
Clark  Greiling  Jaros  Mullery  Thao
Davnie  Hausman  Johnson  Murphy, M.  Wagenius

The motion prevailed and the amendment was adopted.

H. F. No. 1973, A bill for an act relating to local government; enabling the merger of the Minneapolis Public Library and the Hennepin County library system; authorizing the transfer of property, assets, and certain bond proceeds related to the Minneapolis Public Library to Hennepin County; authorizing the transfer of Minneapolis Public Library employees to Hennepin County; amending Minnesota Statutes 2006, sections 275.065, subdivision 3; 383B.237; 383B.239; 383B.245; 383B.247.

The bill was read for the third time, as amended, and placed upon its final passage.
The question was taken on the passage of the bill and the roll was called. There were 93 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeler  Eken  Juhnke  Marquart  Paymar  Swails
Anzelc  Erhardt  Kahn  Masin  Pelowski  Thao
Atkins  Faust  Kalin  McFarlane  Peterson, A.  Thissen
Benson  Fritz  Knuth  McNamara  Peterson, N.  Tillberry
Bigham  Gardner  Koenen  Moe  Poppe  Tschumper
Bly  Greiling  Laine  Morgan  Rukavina  Wagenius
Brown  Hansen  Lanning  Morrow  Ruud  Walker
Brynaert  Hauser  Lenczewski  Mullery  Sailer  Ward
Bunn  Haws  Lesch  Murphy, E.  Scalze  Welti
Carlson  Hilstrom  Liebling  Murphy, M.  Sertich  Winkler
Clark  Hilty  Lader  Nelson  Simon  Wollschlager
Davnie  Hornstein  Lille  Nornes  Slawik  Spk. Kelliher
Dill  Hornman  Loeffler  Norton  Solcum  Sviggum
Dittrich  Hosch  Madore  Olin  Working  Wardlow
Dominguez  Jaros  Mahoney  Otremba  Seifert  Westrom
Doty  Johnson  Mariani  Ozment  Shimanski  Zellers

Those who voted in the negative were:

Anderson, B.  Dean  Finstad  Holberg  Paulsen  Sviggum
Anderson, S.  DeLaForest  Garofalo  Hoppe  Peppin  Urdahl
Beard  Demmer  Gottwald  Howes  Ruth  Wardlow
Berns  Dettmer  Gunther  Kohls  Seifert  Westrom
Brod  Eastlund  Hackbarth  Kranz  Severson  Zellers
Buesgens  Emmer  Hamilton  Magnus  Shimanski
Cornish  Erickson  Heidgerken  Olson  Simpson

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

There being no objection, the order of business reverted to Reports of Standing Committees and Divisions.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Sertich from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2285, A bill for an act relating to constitutional amendments; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by three-eighths of one percent and dedicating the receipts for natural resource and cultural heritage purposes; creating a natural heritage fund; creating a parks and trails fund; creating a clean water fund; creating a sustainable drinking water fund; creating an arts and cultural heritage fund; amending Minnesota Statutes 2006, sections 114D.20, subdivision 6; 114D.30, subdivision 6; 114D.45; 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103H; 129D.

Reported the same back with the following amendments:
Page 1, line 18, after "dedicated" insert ", for the benefit of Minnesotans."

Page 1, lines 22, 24, and 25, delete "the state's"

Page 2, line 14, delete "the" and insert "our"

Page 2, line 15, delete the first "the" and insert "our" and delete "to protect and restore the"

Page 2, line 16, delete "state's lakes, rivers, streams, wetlands and groundwater;" and delete "the state's" and insert "our"

Page 2, line 17, delete the first "and" and delete the second "the" and insert "our" and after "state" insert ": and to protect and restore our state's lakes, rivers, streams, wetlands, and groundwater"

Page 2, line 26, delete "state and regional"

Page 3, lines 2 and 13, delete "the state's"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sertich from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2389, A bill for an act relating to civil actions; requiring insurers to act in good faith in connection with claims practices; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 604.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [60A.0811] BREACH OF INSURANCE POLICY; RECOVERY OF DAMAGES AND ATTORNEY FEES.

Subdivision 1. Definitions; application. (a) For purposes of this section:

(1) "insurance policy" means an insurance policy or contract other than:

(i) a workers' compensation insurance policy or contract;

(ii) a policy or contract issued, executed, renewed, maintained, or delivered in this state by a health carrier as defined in section 62A.011, subdivision 2; or

(iii) a policy or contract issued by a township mutual fire insurance company or farmers mutual fire insurance company operating under chapter 65A or 67A;

(2) "insured" means a first party to an insurance contract and does not include a person to whom first-party rights have been assigned; and
(3) "insurer" means an insurance company:

(i) incorporated or organized in this state; or

(ii) admitted to do business in this state but not incorporated or organized in this state.

Insurer does not include the joint underwriting association operating under chapter 62F or 62I; or a township mutual fire insurance company or farmers mutual fire insurance company operating under chapter 65A or 67A.

(b) This section applies to a court action or arbitration proceeding.

Subd. 2. Damages. (a) In addition to other damages or attorney fees allowable under law or an insurance policy, an insured who prevails in a claim against an insurer for a breach of an insurance policy based on a denial or delay in payment of benefits is entitled to recover monetary consequential damages that arise from the denial or delay and reasonable attorney fees as provided under this section.

(b) Punitive damages or damages for nonmonetary losses are not recoverable under this section.

Subd. 3. Recovery of attorney fees; effect of settlement offer. If an insurer tenders a written offer to an insured to settle a disputed claim, the insured is not entitled to recover attorney fees incurred after the offer is made unless the final judgment or award is greater than the last offer.

Subd. 4. Factors to consider in awarding attorney fees. An award of attorney fees under this section must bear a reasonable relationship and be proportional to the damages awarded.

Subd. 5. Insurance producers; liability limited. A licensed insurance producer is not liable for damages and attorney fees under this section for a breach of an insurance policy by the insurer that appointed the producer to transact business on its behalf.

Subd. 6. Fire investigations. An insurer is not liable for damages and attorney fees under this section by conducting or cooperating with a fire investigation to its completion.

Subd. 7. No effect on third parties. Nothing in this section affects third-party claims or remedies against insurers under the common law or any other statute.

EFFECTIVE DATE. This section is effective August 1, 2007, and applies to a breach of an insurance policy occurring on or after that date.

Sec. 2. Minnesota Statutes 2006, section 471.982, subdivision 3, is amended to read:

Subd. 3. Exemptions. Self-insurance pools established and open for enrollment on a statewide basis by the Minnesota League of Cities Insurance Trust, the Minnesota School Boards Association Insurance Trust, the Minnesota Association of Townships Insurance and Bond Trust, or the Minnesota Association of Counties Insurance Trust and the political subdivisions that belong to them are exempt from the requirements of this section and section 60A.0811 and 65B.48, subdivision 3. In addition, the Minnesota Association of Townships Insurance and Bond Trust and the townships that belong to it are exempt from the requirement to hold the certificate of surety authorization issued by the commissioner of commerce as provided in section 574.15."
Delete the title and insert:

"A bill for an act relating to insurance; providing for the award of certain damages and attorney fees in claims arising from breach of an insurance policy by an insurer; amending Minnesota Statutes 2006, section 471.982, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2285 and 2389 were read for the second time.

CALENDAR FOR THE DAY

H. F. No. 562, A bill for an act relating to towns; appropriating money for town road signs.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nays as follows:

Those who voted in the affirmative were:

Abeler    Dill    Heidgerken    Lieder    Otremba    Stlocum
Anderson, B.    Dittrich    Hilstrom    Lillie    Ozment    Smith
Anderson, S.    Dominguez    Hilty    Loeffler    Paulsen    Solberg
Anzelc    Doty    Holberg    Madore    Paymar    Svigum
Akins    Eastlund    Hoppe    Magnus    Pelowski    Swalls
Beard    Eken    Hornstein    Mahoney    Peppin    Thao
Benson    Emmer    Hortman    Mariani    Peterson, A.    Thissen
Bernas    Erhardt    Hosch    Marquart    Peterson, N.    Tillberry
Bigham    Erickson    Jaros    Masin    Peterson, S.    Tingelstad
Bly    Faust    Johnson    McFarlane    Poppe    Tschumper
Brod    Finstad    Juhnke    McNamara    Rukavina    Udahl
Brown    Fritz    Kahn    Moe    Ruth    Wagenius
Brynaert    Gardner    Kalin    Morgan    Ruud    Walker
Buengsens    Garofalo    Knuth    Morrow    Sailer    Ward
Bunn    Gottwald    Koenen    Mullery    Scalze    Wardlow
Carlson    Greiling    Kohls    Murphy, E.    Seifert    Welti
Cornish    Gunther    Kranz    Murphy, M.    Sertich    Westrom
Davnie    Hackbarth    Laine    Nelson    Severson    Winkler
Dean    Hamilton    Lanning    Nornes    Shimanski    Wollschlager
DeLaForest    Hansen    Lenczewski    Norton    Simon    Zellers
Demmer    Hausman    Lesch    Olin    Simpson    Slawik
Dettmer    Haws    Liebling    Olson    Spk. Kelliher
Those who voted in the negative were:

Howes

The bill was passed and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

**MOTIONS AND RESOLUTIONS**

Greiling moved that the names of Peterson, S., and Slawik be added as authors on H. F. No. 2245. The motion prevailed.

Doty moved that H. F. No. 2368 be returned to its author. The motion prevailed.

Doty moved that H. F. No. 2465 be returned to its author. The motion prevailed.

Olson introduced:

House Concurrent Resolution No. 3, A House concurrent resolution proposing House and Senate net expenditure limits for fiscal years 2008 and 2009 for finance bills for consideration in the 2007 session.

The house concurrent resolution was referred to the Committee on Ways and Means.

**FISCAL CALENDAR ANNOUNCEMENT**

Pursuant to rule 1.22, Solberg announced his intention to place S. F. No. 1753 on the Fiscal Calendar for Friday, May 18, 2007.

**ADJOURNMENT**

Sertich moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, May 18, 2007. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Juhnke declared the House stands adjourned until 10:00 a.m., Friday, May 18, 2007.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives