

FIFTY-SIXTH DAY

St. Paul, Minnesota, Saturday, May 14, 2011

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Gary W. Kubly.

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

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 632 and 1426.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 13, 2011

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 632: A bill for an act relating to labor and industry; licensing maintenance plumbers in certain cases; modifying fees; amending Minnesota Statutes 2010, sections 326B.42, by adding a subdivision; 326B.435, subdivision 2; 326B.46, subdivisions 1, 1a; 326B.47, subdivision 1, by adding a subdivision; 326B.49, subdivision 1.

Referred to the Committee on State Government Innovation and Veterans.

H.F. No. 1426: A bill for an act relating to redistricting; adopting a congressional districting plan for use in 2012 and thereafter; adopting districting principles for legislative and congressional districts; amending Minnesota Statutes 2010, sections 2.731; 2.91, subdivision 1; repealing Minnesota Statutes 2010, section 2.031, subdivision 2.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Senator Rosen from the Committee on Energy, Utilities and Telecommunications, to which was referred the following appointment:

PUBLIC UTILITIES COMMISSION
Ellen Anderson

Reports the same back without recommendation.

Senator Koch moved that the foregoing committee report be laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senators Sparks, Magnus and Metzen introduced—

S.F. No. 1425: A bill for an act relating to privacy; requiring owner's permission before a portable wireless device can collect location information in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Energy, Utilities and Telecommunications.

MOTIONS AND RESOLUTIONS

Senator Scheid moved that her name be stricken as chief author, shown as a co-author, and the

name of Senator Newman be shown as chief author to S.F. No. 429. The motion prevailed.

Senator Rosen moved that her name be stricken as a co-author to S.F. No. 1388. The motion prevailed.

Senator Rosen moved that S.F. No. 435 be withdrawn from the Committee on State Government Innovation and Veterans, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 435 was read the second time.

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

CALENDAR

S.F. No. 768: A bill for an act relating to education; clarifying requirements governing probationary teacher and principal status; amending Minnesota Statutes 2010, sections 122A.40, subdivisions 5, 11, by adding a subdivision; 122A.41, subdivisions 1, 2, 5a, 10, 14.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 25, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Koch	Nelson	Rosen
Brown	Gerlach	Kruse	Newman	Thompson
Carlson	Gimse	Lillie	Nienow	Vandever
Chamberlain	Hall	Limmer	Olson	Wolf
Dahms	Hoffman	Magnus	Ortman	
Daley	Howe	Metzen	Parry	
DeKruif	Ingebrigtsen	Michel	Pederson	
Fischbach	Jungbauer	Miller	Robling	

Those who voted in the negative were:

Bakk	Goodwin	Langseth	Pappas	Skoe
Berglin	Harrington	Latz	Pogemiller	Sparks
Bonoff	Higgins	Lourey	Reinert	Stumpf
Cohen	Kelash	Marty	Rest	Torres Ray
Dibble	Kubly	McGuire	Sieben	Wiger

So the bill passed and its title was agreed to.

S.F. No. 799: A bill for an act relating to higher education; providing for the use of student data; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1208: A bill for an act relating to commerce; providing notice to a mortgagor under certain circumstances; modifying a definition; regulating life insurance and title insurance reserves; regulating certain accounts and funding agreements; repealing obsolete and conflicting provisions; making conforming changes; repealing a bank rule; amending Minnesota Statutes 2010, sections 60A.60, subdivision 9; 60C.03, subdivision 6; 61A.25, subdivision 4; 61A.282, subdivision 2; 68A.03, subdivision 3; 72A.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 2010, sections 61A.275; 61A.276, subdivision 4; 67A.27; 67A.28; 67A.29; 67A.30, subdivisions 1, 3; 67A.31; 67A.32; 67A.34; 67A.35; 67A.36; 67A.37; 67A.38; 67A.39; Minnesota Rules, part 2675.2170, item F.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Vandever

So the bill passed and its title was agreed to.

S.F. No. 946: A bill for an act relating to education; establishing a pilot project to examine how school districts might operate jointly to provide innovative delivery of programs and activities and share resources.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 25, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Jungbauer	Nelson	Rosen
Bonoff	Gazelka	Koch	Newman	Thompson
Brown	Gerlach	Kruse	Nienow	Vandever
Carlson	Gimse	Lillie	Olson	Wolf
Chamberlain	Hall	Limmer	Ortman	
Dahms	Hoffman	Magnus	Parry	
Daley	Howe	Michel	Pederson	
DeKruif	Ingebrigtsen	Miller	Robling	

Those who voted in the negative were:

Bakk	Harrington	Latz	Pappas	Skoe
Berglin	Higgins	Lourey	Pogemiller	Sparks
Cohen	Kelash	Marty	Reinert	Stumpf
Dibble	Kubly	McGuire	Rest	Torres Ray
Goodwin	Langseth	Metzen	Sieben	Wiger

So the bill passed and its title was agreed to.

H.F. No. 1092: A bill for an act relating to education; allowing teachers taking early retirement to continue coaching; modifying the application deadline for certain charter school authorizers; amending Minnesota Statutes 2010, sections 122A.48, subdivision 3; 124D.10, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 447: A bill for an act relating to vulnerable adults; modifying provisions governing investigations, reviews, and hearings; making the crime of criminal abuse of a vulnerable adult a registrable offense under the predatory offender registration law; changing terminology; increasing the criminal penalty for assaulting a vulnerable adult; providing criminal penalties; amending Minnesota Statutes 2010, sections 144.7065, subdivision 10; 243.166, subdivision 1b; 256.021; 256.045, subdivision 4; 518.165, subdivision 5; 524.5-118, subdivision 2; 609.2231, by adding a subdivision; 609.224, subdivision 2; 626.557, subdivisions 9, 9a, 9c, 9d, 12b, by adding a subdivision; 626.5571, subdivision 1; 626.5572, subdivision 13.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 508: A bill for an act relating to insurance; requiring auto insurers to inform certain insureds of the right to select any rental vehicle company; requiring an advisory; amending Minnesota Statutes 2010, section 72A.201, subdivision 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Limmer	Rest	Vandever
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So the bill passed and its title was agreed to.

S.F. No. 247: A bill for an act relating to insurance; regulating service cooperative refunds; requiring local government employees to approve participation in or withdrawal from the public employees insurance program; amending Minnesota Statutes 2010, sections 43A.316, subdivision 5; 123A.21, by adding a subdivision; 471.611, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 28, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Jungbauer	Miller	Pederson
Brown	Gazelka	Koch	Nelson	Robling
Carlson	Gerlach	Kruse	Newman	Rosen
Chamberlain	Gimse	Lillie	Nienow	Thompson
Dahms	Hall	Limmer	Olson	Vandever
Daley	Hoffman	Magnus	Ortman	Wolf
DeKruif	Ingebrigtsen	Michel	Parry	

Those who voted in the negative were:

Bakk	Harrington	Latz	Pogemiller	Sparks
Berglin	Higgins	Lourey	Reinert	Stumpf
Bonoff	Howe	Marty	Rest	Torres Ray
Cohen	Kelash	McGuire	Scheid	Wiger
Dibble	Kubly	Metzen	Sieben	
Goodwin	Langseth	Pappas	Skoe	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated S.F. No. 943 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 943: A bill for an act relating to game and fish; modifying aquaculture provisions; modifying compensation and assistance provisions for crop damage by elk; modifying requirements for fish and wildlife management plans; modifying provisions for taking, possessing, and transporting wild animals; modifying penalty and license provisions; modifying duties of the Board of Water and Soil Resources; limiting landowner liability for state walk-in access program; requiring rulemaking; providing criminal penalties; amending Minnesota Statutes 2010, sections 3.7371; 16C.055, subdivision 2; 17.4982, subdivisions 8, 12, 13, by adding a subdivision; 17.4991, subdivision 3; 17.4992, subdivision 4; 17.4994; 84.942, subdivision 1; 84.95, subdivision 2; 84D.11, subdivision 2a; 97A.015, subdivisions 24, 45, 49, 52, 55; 97A.028, subdivision 3; 97A.075, subdivision 6; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.321, subdivision 1; 97A.331, by adding a subdivision; 97A.405, subdivision 2; 97A.415, subdivision 2; 97A.425, subdivision 3; 97A.433, by adding a subdivision; 97A.435, subdivision 1; 97A.445, subdivision 1a; 97A.475, subdivision 7; 97A.505, subdivision 2; 97A.545, subdivision 5; 97B.022, subdivision 2; 97B.041; 97B.055, subdivision 3; 97B.075; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.425; 97B.515, by adding a subdivision; 97B.645, subdivision 9; 97B.711, by adding a subdivision; 97B.803; 97C.005, subdivision 3; 97C.081, subdivisions 3, 4, by adding a subdivision; 97C.087, subdivision 2; 97C.205; 97C.211, subdivision 5; 97C.341; 103B.101, subdivision 9; 604A.24;

proposing coding for new law in Minnesota Statutes, chapters 17; 97B; 348; repealing Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, 4; 97A.015, subdivisions 26b, 27b, 27c; 97A.435, subdivision 5; 97C.081, subdivision 2.

Senator Gazelka moved to amend S.F. No. 943 as follows:

Page 14, after line 2, insert:

"Sec. 31. Minnesota Statutes 2010, section 97A.465, subdivision 5, is amended to read:

Subd. 5. Preference to service members. (a) For purposes of this subdivision:

(1) "qualified service member or veteran" means a Minnesota resident who:

(i) is currently serving, or has served at any time during the past 24 months, in active service as a member of the United States armed forces, including the National Guard or other military reserves;

(ii) has received a Purple Heart medal for qualifying military service, as shown by official military records; or

(iii) has a service-connected disability rated at 100 percent as defined by the United States Department of Veterans Affairs; and

(2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

(b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or administrative rules, the commissioner ~~may~~ shall give first preference to qualified service members or veterans in any drawing or lottery involving the selection of applicants for hunting or fishing licenses, permits, and special permits. This subdivision does not apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the commissioner under this subdivision are not rules under the Administrative Procedure Act and section 14.386 does not apply."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 943 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Ingebrigtsen	Magnus	Pappas
Benson	Fischbach	Jungbauer	Marty	Parry
Berglin	Gazelka	Kelash	McGuire	Pederson
Bonoff	Gerlach	Koch	Metzen	Pogemiller
Brown	Gimse	Kruse	Michel	Reinert
Carlson	Goodwin	Kubly	Miller	Rest
Chamberlain	Hall	Langseth	Nelson	Robling
Cohen	Harrington	Latz	Newman	Rosen
Dahms	Higgins	Lillie	Nienow	Scheid
Daley	Hoffman	Limmer	Olson	Sieben
DeKruif	Howe	Lourey	Ortman	Skoe

Sparks
Stumpf

Thompson
Torres Ray

Vandever
Wiger

Wolf

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

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

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

S.F. Nos. 1285, 1083 and H.F. Nos. 1105 and 361, which the committee recommends to pass.

S.F. No. 373, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 373.

The roll was called, and there were yeas 42 and nays 20, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Kruse	Newman	Scheid
Bonoff	Gerlach	Langseth	Nienow	Sparks
Brown	Gimse	Lillie	Olson	Thompson
Carlson	Hall	Limmer	Ortman	Vandever
Chamberlain	Hoffman	Magnus	Parry	Wiger
Dahms	Howe	Metzen	Pederson	Wolf
Daley	Ingebrigtsen	Michel	Rest	
DeKruif	Jungbauer	Miller	Robling	
Fischbach	Koch	Nelson	Rosen	

Those who voted in the negative were:

Bakk	Goodwin	Kubly	McGuire	Sieben
Berglin	Harrington	Latz	Pappas	Skoe
Cohen	Higgins	Lourey	Pogemiller	Stumpf
Dibble	Kelash	Marty	Reinert	Torres Ray

The motion prevailed. So S.F. No. 373 was recommended to pass.

S.F. No 149, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 149.

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

Benson	Chamberlain	DeKruif	Gerlach	Hoffman
Brown	Dahms	Fischbach	Gimse	Howe
Carlson	Daley	Gazelka	Hall	Ingebrigtsen

Jungbauer	Magnus	Nienow	Robling	Wolf
Koch	Michel	Olson	Rosen	
Kruse	Miller	Ortman	Scheid	
Lillie	Nelson	Parry	Thompson	
Limmer	Newman	Pederson	Vandever	

Those who voted in the negative were:

Bakk	Harrington	Lourey	Reinert	Torres Ray
Berglin	Higgins	Marty	Rest	Wiger
Bonoff	Kelash	McGuire	Sieben	
Cohen	Kubly	Metzen	Skoe	
Dibble	Langseth	Pappas	Sparks	
Goodwin	Latz	Pogemiller	Stumpf	

The motion prevailed. So S.F. No. 149 was recommended to pass.

S.F. No. 506, which the committee recommends to pass with the following amendment offered by Senator Latz:

Page 1, line 10, delete "\$20,000 or" and insert "(1) \$20,000; (2) subject to clause (3),"

Page 1, line 12, before the period, insert "; or (3) \$4,000 if the claim involves a consumer credit transaction and the claim is brought by a person who purchased the debt instrument or account and who is not the original creditor"

The motion prevailed. So the amendment was adopted.

S.F. No. 1009, which the committee recommends to pass with the following amendment offered by Senator Rest:

Page 2, after line 15, insert:

"Sec. 4. Minnesota Statutes 2010, section 204C.32, subdivision 1, is amended to read:

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office on either the second or third day following the state primary. After taking the oath of office, the canvassing board shall publicly canvass the election returns delivered to the county auditor. The board shall complete the canvass ~~on~~ by the third day following the state primary and shall promptly prepare and file with the county auditor a report that states:

- (a) the number of individuals voting at the election in the county, and in each precinct;
- (b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;
- (c) for each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;
- (d) the names of the candidates of each major political party who are nominated; and
- (e) the number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee for county office voted for only in that county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass. The secretary of state shall mail a notice of nomination to each nominee for state or federal office.

Sec. 5. Minnesota Statutes 2010, section 205.065, subdivision 5, is amended to read:

Subd. 5. **Results.** (a) The municipal primary shall be conducted and the returns made in the manner provided for the state primary so far as practicable. If the primary is conducted:

(1) only within that municipality, a canvass may be conducted on either the second or third day after the primary; or

(2) in conjunction with the state primary, the canvass must be conducted on the third day after the primary, except as otherwise provided in paragraph (b).

~~On the third day after the primary,~~ The governing body of the municipality shall canvass the returns, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the municipal clerk who shall place them on the municipal general election ballot without partisan designation and without payment of an additional fee.

(b) Following a municipal primary as described in paragraph (a), clause (2), a canvass may be conducted on the second day after the primary if the county auditor of each county in which the municipality is located agrees to administratively review the municipality's primary voting statistics for accuracy and completeness within a time that permits the canvass to be conducted on that day."

Page 2, after line 23, insert:

"Sec. 7. Minnesota Statutes 2010, section 205A.03, subdivision 4, is amended to read:

Subd. 4. **Results.** (a) The school district primary must be conducted and the returns made in the manner provided for the state primary as far as practicable. If the primary is conducted:

(1) only within that school district, a canvass may be conducted on either the second or third day after the primary; or

(2) in conjunction with the state primary, the canvass must be conducted on the third day after the primary, except as otherwise provided in paragraph (b).

~~On the third day after the primary,~~ The school board of the school district shall canvass the returns, and the two candidates for each specified school board position who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to at-large school board positions who receive the highest number of votes, are the nominees for the office named. Their names must be certified to the school district clerk who shall place them on the school district general election ballot without partisan designation and without payment of an additional fee.

(b) Following a school district primary as described in paragraph (a), clause (2), a canvass may

be conducted on the second day after the primary if the county auditor of each county in which the school district is located agrees to administratively review the school district's primary voting statistics for accuracy and completeness within a time that permits the canvass to be conducted on that day."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1139, which the committee recommends to pass, subject to the following motion:

Senator Vandever moved that the amendment made to H.F. No. 1139 by the Committee on Rules and Administration in the report adopted May 10, 2011, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 460, which the committee recommends to pass, subject to the following motions:

Senator Limmer moved to amend H.F. No. 460 as follows:

Page 1, after line 15, insert:

"Sec. 2. Minnesota Statutes 2010, section 326B.809, is amended to read:

326B.809 WRITTEN CONTRACT REQUIRED.

(a) All agreements including proposals, estimates, bids, quotations, contracts, purchase orders, and change orders between a licensee and a customer for the performance of a licensee's services must be in writing and must contain the following:

(1) a detailed summary of the services to be performed;

(2) a description of the specific materials to be used or a list of standard features to be included; and

(3) the total contract price or a description of the basis on which the price will be calculated.

(b) Before entering into an agreement, the licensee shall provide a prospective customer with written performance guidelines for the services to be performed. Performance guidelines also must be included or incorporated by reference in the agreement. All agreements shall be signed and dated by the licensee and customer.

(c) Before entering into an agreement, the licensee shall offer a prospective customer the option to install fire sprinklers, any fire sprinkler system components, or automatic fire-extinguishing equipment or devices in any new single-family detached dwelling unit. The offer shall be included or incorporated by reference in the agreement. All agreements shall be signed and dated by the licensee and customer.

~~(e)~~ (d) The licensee shall provide to the customer, at no charge, a signed and dated document at

the time that the licensee and customer sign and date the document. Documents include agreements, performance guidelines, fire sprinkler opt-in forms, and mechanic's lien waivers."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass H.F. No. 460.

The roll was called, and there were yeas 41 and nays 19, as follows:

Those who voted in the affirmative were:

Benson	Gimse	Langseth	Olson	Sparks
Carlson	Hall	Limmer	Ortman	Stumpf
Chamberlain	Harrington	Lourey	Parry	Thompson
Dahms	Hoffman	Magnus	Pederson	Vandever
Daley	Ingebrigtsen	Metzen	Reinert	Wolf
DeKruif	Jungbauer	Michel	Robling	
Fischbach	Koch	Miller	Rosen	
Gazelka	Kruse	Nelson	Scheid	
Gerlach	Kubly	Newman	Skoe	

Those who voted in the negative were:

Bakk	Dibble	Kelash	McGuire	Sieben
Berglin	Goodwin	Latz	Nienow	Torres Ray
Bonoff	Higgins	Lillie	Pogemiller	Wiger
Cohen	Howe	Marty	Rest	

The motion prevailed. So H.F. No. 460 was recommended to pass.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

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

S.F. No. 907: A bill for an act relating to state government; requiring certain state agencies to enter into contracts to provide consulting services for improvements to certain state-operated systems and services.

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

Page 1, line 19, after "all" insert "instrumented"

Page 2, line 2, after the period, insert "During this proof of concept phase, the vendor and the state must agree on how savings during the full implementation phase will be defined, measured, and verified, to ensure that the contract will provide the highest possible return on investment to the state."

Page 2, line 4, after "all" insert "instrumented"

Page 2, line 5, after "if" insert "the state and the vendor have agreed on how savings will be defined, measured, and verified, and"

Page 2, line 28, after the period, insert "During this proof of concept phase, the vendor and the state must agree on how savings during the full implementation phase will be defined, measured, and verified, to ensure that the contract will provide the highest possible return on investment to the state."

Page 2, line 30, after "if" insert "the state and the vendor have agreed on how savings will be defined, measured, and"

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

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

S.F. No. 1357: A bill for an act relating to firearms; directing the commissioner of human services to report mental health commitment information to the National Instant Criminal Background Check System for the purpose of facilitating firearms background checks; creating a reporting requirement; requiring courts to report certain data to the National Instant Criminal Background Check System for the purpose of firearms background checks; clarifying and delimiting the authority of public officials to disarm individuals at any time; clarifying law on use of force in defense of home and person; codifying and extending Minnesota's self-defense and defense of home laws; eliminating the common law duty to retreat in cases of self defense outside the home; expanding the boundaries of dwelling for purposes of self-defense; creating a presumption in the case of a person entering a dwelling or occupied vehicle by stealth or force; extending the rights available to a person in that person's dwelling to a person defending against entry of that person's occupied vehicle; providing for the recognition by Minnesota of other states' permits to carry a pistol within and under the laws of Minnesota; amending Minnesota Statutes 2010, sections 245.041; 609.065; 624.713, by adding a subdivision; 624.7131, subdivisions 2, 8; 624.714, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 624.

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

Page 1, delete section 1

Page 2, delete section 2

Page 3, delete section 5

Renumber the sections in sequence

Amend the title accordingly

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

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

S.F. No. 849: A bill for an act relating to state government; requiring specified type of notice for termination of the rights of former employees in the state employee group insurance program; amending Minnesota Statutes 2010, section 43A.27, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. **REINSTATEMENT OF COVERAGE.**

(a) The commissioner of management and budget must reinstate coverage under the state employee group insurance program (SEGIP) for a person and the spouse of a person who: (1) made premium payments for SEGIP coverage for October 2010; and (2) submits a written and signed statement to the commissioner of management and budget stating that the person did not receive premium notices from SEGIP for November 2010.

(b) Paragraph (a) does not apply if the commissioner of management and budget demonstrates that the person signed a receipt from the United States Postal Service indicating that the person received the notice of premiums due for November 2010.

EFFECTIVE DATE. This section is effective the day following final enactment. Within ten days of the effective date of this section, the commissioner of management and budget must notify a person covered by this section of the opportunity to reinstate coverage. The reinstated coverage is effective upon receipt of premium payments."

Amend the title accordingly

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

SECOND READING OF SENATE BILLS

S.F. Nos. 907, 1357 and 849 were read the second time.

MEMBERS EXCUSED

Senators Hann, Saxhaug, Senjem, Sheran and Tomassoni were excused from the Session of today. Senator Scheid was excused from the Session of today from 10:00 to 10:35 a.m. Senator Pappas was excused from the Session of today at 11:40 a.m. Senator Brown was excused from the Session of today at 11:45 a.m.

ADJOURNMENT

Senator Koch moved that the Senate do now adjourn until 10:30 a.m., Monday, May 16, 2011.
The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

