

## ONE HUNDRED FOURTH DAY

St. Paul, Minnesota, Wednesday, May 14, 2014

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

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Carol J. Tomer.

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:

Anderson	Eaton	Johnson	Osmek	Sieben
Bakk	Eken	Kent	Pappas	Skoe
Benson	Fischbach	Kiffmeyer	Pederson, J.	Sparks
Bonoff	Franzen	Koenen	Petersen, B.	Stumpf
Brown	Gazelka	Latz	Pratt	Thompson
Carlson	Goodwin	Limmer	Reinert	Tomassoni
Chamberlain	Hall	Lourey	Rest	Torres Ray
Champion	Hann	Marty	Rosen	Weber
Clausen	Hawj	Metzen	Ruud	Westrom
Cohen	Hayden	Miller	Saxhaug	Wiger
Dahle	Hoffman	Nelson	Scalze	Wiklund
Dahms	Housley	Newman	Schmit	
Dibble	Ingebrigtsen	Nienow	Senjem	
Dziedzic	Jensen	Ortman	Sheran	

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

April 25, 2014

The Honorable Sandra L. Pappas  
President of the Senate

Dear Senator Pappas:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF ANIMAL HEALTH

Paul Hanowski, 11678 Springbrook Dr., Swanville, in the county of Morrison, effective April 30, 2014, for a term expiring on January 1, 2018.

(Referred to the Committee on Jobs, Agriculture and Rural Development.)

Sincerely,  
Mark Dayton, Governor

May 13, 2014

The Honorable Sandra L. Pappas  
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter 233, S.F. No. 2322; Chapter 234, S.F. No. 2423; Chapter 235, S.F. No. 511; Chapter 240, S.F. No. 2336; Chapter 242, S.F. No. 2712 and Chapter 243, S.F. No. 2614.

Sincerely,  
Mark Dayton, Governor

May 13, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2014 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2014	Date Filed 2014
2322		233	12:06 p.m. May 13	May 13
2423		234	12:08 p.m. May 13	May 13
511		235	12:07 p.m. May 13	May 13
	2670	236	11:59 a.m. May 13	May 13
	2543	237	12:00 p.m. May 13	May 13
	2265	238	12:01 p.m. May 13	May 13
2336		240	12:03 p.m. May 13	May 13

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2712		242	12:08 p.m. May 13	May 13
2614		243	12:10 p.m. May 13	May 13
	2654	244	12:04 p.m. May 13	May 13
	2386	245	12:10 p.m. May 13	May 13

Sincerely,  
Mark Ritchie  
Secretary of State

### REPORTS OF COMMITTEES

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

#### **Senator Bakk, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 155** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
155	238				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 155 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 155, the second engrossment; and insert the language after the enacting clause of S.F. No. 238, the first engrossment; further, delete the title of H.F. No. 155, the second engrossment; and insert the title of S.F. No. 238, the first engrossment.

And when so amended H.F. No. 155 will be identical to S.F. No. 238, and further recommends that H.F. No. 155 be given its second reading and substituted for S.F. No. 238, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

#### **Senator Bakk, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2989** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2989	2729				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2989 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2989, the first engrossment; and insert the language after the enacting clause of S.F. No. 2729, the first engrossment; further, delete the title of H.F. No. 2989, the first engrossment; and insert the title of S.F. No. 2729, the first engrossment.

And when so amended H.F. No. 2989 will be identical to S.F. No. 2729, and further recommends that H.F. No. 2989 be given its second reading and substituted for S.F. No. 2729, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

### SECOND READING OF HOUSE BILLS

H.F. Nos. 155 and 2989 were read the second time.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

#### **Senators Dibble, Eaton, Hawj, Marty and Torres Ray introduced—**

**S.F. No. 2986:** A bill for an act relating to game and fish; requiring closure of federally recognized Indian reservations to hunting and trapping of wolves if requested by tribal leadership; providing exceptions; amending Minnesota Statutes 2012, section 97B.647, subdivision 3.

Referred to the Committee on Environment and Energy.

### MOTIONS AND RESOLUTIONS

#### **Senators Hoffman; Johnson; Petersen, B.; Benson and Goodwin introduced –**

**Senate Resolution No. 262:** A Senate resolution honoring Superintendent Dennis Carlson on his retirement.

Referred to the Committee on Rules and Administration.

#### **Senators Hoffman, Hawj, Eaton, Marty and Carlson introduced –**

**Senate Resolution No. 263:** A Senate resolution supporting the Oromo community and condemning the violence against their compatriots in Oromia State, Ethiopia.

Referred to the Committee on Rules and Administration.

#### **Senator Metzen introduced –**

**Senate Resolution No. 264:** A Senate resolution congratulating Grant Marvin Leo Sutherland of Mendota Heights, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**RECESS**

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

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

**CALL OF THE SENATE**

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

**CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 12.5, Senator Dahms moved that the following members be excused for a Conference Committee on S.F. No. 2065 from 12:00 to 12:45 p.m.:

Senators Schmit, Sparks and Dahms. The motion prevailed.

**SPECIAL ORDERS**

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

H.F. Nos. 2995, 2255, 2798, 2881, 2546 and 1981.

**SPECIAL ORDER**

**H.F. No. 2995:** A bill for an act relating to public safety; towing; clarifying towing order requirements; amending Minnesota Statutes 2012, section 168B.035, subdivision 2.

Senator Reinert moved that the amendment made to H.F. No. 2995 by the Committee on Rules and Administration in the report adopted May 6, 2014, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2995 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 55 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Housley	Nelson	Ruud
Benson	Eaton	Ingebrigtsen	Newman	Saxhaug
Bonoff	Eken	Jensen	Nienow	Scalze
Brown	Fischbach	Johnson	Ortman	Sieben
Carlson	Franzen	Kent	Osmek	Skoe
Chamberlain	Gazelka	Koenen	Pappas	Sparks
Champion	Goodwin	Latz	Pederson, J.	Thompson
Clausen	Hall	Lourey	Pratt	Torres Ray
Cohen	Hann	Marty	Reinert	Weber
Dahle	Hawj	Metzen	Rest	Wiger
Dibble	Hoffman	Miller	Rosen	Wiklund

Those who voted in the negative were:

Petersen, B.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 2255:** A bill for an act relating to public safety; making conforming changes to the ignition interlock program to include limited licenses for program participants who do not have a driver's license due to criminal vehicular operation; amending Minnesota Statutes 2013 Supplement, section 171.306, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Eaton	Johnson	Nienow	Saxhaug
Benson	Eken	Kent	Ortman	Scalze
Bonoff	Fischbach	Kiffmeyer	Osmek	Senjem
Brown	Franzen	Latz	Pappas	Sieben
Carlson	Gazelka	Limmer	Pederson, J.	Skoe
Chamberlain	Hall	Lourey	Petersen, B.	Thompson
Clausen	Hann	Marty	Pratt	Tomassoni
Cohen	Hawj	Metzen	Reinert	Torres Ray
Dahle	Housley	Miller	Rest	Weber
Dibble	Ingebrigtsen	Nelson	Rosen	Wiger
Dziedzic	Jensen	Newman	Ruud	Wiklund

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 2798:** A bill for an act relating to environment; prohibiting plants treated with pollinator lethal insecticide from being labeled or advertised as beneficial to pollinators; amending Minnesota Statutes 2012, sections 18H.02, by adding a subdivision; 18H.14.

Senator Dziedzic moved to amend H.F. No. 2798, as amended pursuant to Rule 45, adopted by the Senate May 1, 2014, as follows:

(The text of the amended House File is identical to S.F. No. 2695.)

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2012, section 18H.14, is amended to read:

#### **18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.**

(a) Plants, plant materials, or nursery stock must not be labeled or advertised with false or misleading information including, but not limited to, scientific name, variety, place of origin, hardiness zone as defined by the United States Department of Agriculture, and growth habit.

(b) All nonhardy nursery stock as designated by the commissioner must be labeled "nonhardy" in Minnesota.

(c) A person may not offer for distribution plants, plant materials, or nursery stock, represented by some specific or special form of notation, including, but not limited to, "free from" or "grown free of," unless the plants are produced under a specific program approved by the commissioner to address the specific plant properties addressed in the special notation claim.

(d) Nursery stock collected from the wild state must be inspected and certified prior to sale and at the time of sale must be labeled "Collected from the Wild." The label must remain on each plant or clump of plants while it is offered for sale and during the distribution process. The collected stock may be grown in nursery rows at least two years, after which the plants may be sold without the labeling required by this paragraph.

(e) A person may not label or advertise an annual plant, bedding plant, or other plant, plant material, or nursery stock as beneficial to pollinators if the annual plant, bedding plant, plant material, or nursery stock has been treated with and has a detectable level of systemic insecticide that: (1) has a pollinator protection box on the label; or (2) has a pollinator, bee, or honey bee precautionary statement in the environmental hazards section of the insecticide product label. The commissioner shall enforce this paragraph as provided in chapter 18J.

**EFFECTIVE DATE.** This section is effective July 1, 2014."

The motion prevailed. So the amendment was adopted.

H.F. No. 2798 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Eken	Jensen	Newman	Saxhaug
Benson	Fischbach	Johnson	Nienow	Scalze
Bonoff	Franzen	Kent	Ortman	Senjem
Brown	Gazelka	Kiffmeyer	Osmek	Sheran
Carlson	Goodwin	Koenen	Pappas	Sieben
Chamberlain	Hall	Latz	Pederson, J.	Skoe
Clausen	Hann	Limmer	Petersen, B.	Thompson
Cohen	Hawj	Lourey	Pratt	Tomassoni
Dahle	Hayden	Marty	Reinert	Torres Ray
Dibble	Hoffman	Metzen	Rest	Weber
Dziedzic	Housley	Miller	Rosen	Wiger
Eaton	Ingebrigtsen	Nelson	Ruud	Wiklund

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

### SPECIAL ORDER

**H.F. No. 2881:** A bill for an act relating to transportation; railroads; amending regulation of motor carriers of railroad employees; imposing penalties; amending Minnesota Statutes 2012, sections 169.781, subdivision 2; 221.0255.

Senator Pederson, J. moved to amend H.F. No. 2881, as amended pursuant to Rule 45, adopted by the Senate May 7, 2014, as follows:

(The text of the amended House File is identical to S.F. No. 2570.)

Page 2, line 24, after "a" and insert "handheld"

Page 2, line 25, delete "whether handheld or hands-free,"

The motion prevailed. So the amendment was adopted.

Senator Pederson, J. moved to amend H.F. No. 2881, as amended pursuant to Rule 45, adopted by the Senate May 7, 2014, as follows:

(The text of the amended House File is identical to S.F. No. 2570.)

Page 4, line 2, delete "ten" and insert "15"

The motion prevailed. So the amendment was adopted.

H.F. No. 2881 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 54 and nays 9, as follows:

Those who voted in the affirmative were:

Bonoff	Eken	Jensen	Nelson	Senjem
Brown	Fischbach	Johnson	Newman	Sheran
Carlson	Franzen	Kent	Pappas	Sieben
Champion	Gazelka	Kiffmeyer	Pederson, J.	Skoe
Clausen	Goodwin	Koenen	Pratt	Sparks
Cohen	Hall	Latz	Reinert	Tomassoni
Dahle	Hawj	Limmer	Rest	Torres Ray
Dahms	Hayden	Lourey	Rosen	Weber
Dibble	Hoffman	Marty	Ruud	Wiger
Dziedzic	Housley	Metzen	Saxhaug	Wiklund
Eaton	Ingebrigtsen	Miller	Scalze	

Those who voted in the negative were:

Anderson	Chamberlain	Nienow	Osmek	Thompson
Benson	Hann	Ortman	Petersen, B.	

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

### SPECIAL ORDER

**H.F. No. 2546:** A bill for an act relating to legislative enactments; correcting erroneous, ambiguous, and omitted text and obsolete references; removing redundant, conflicting, and superseded provisions; making miscellaneous corrections to laws, statutes, and rules; amending Minnesota Statutes 2012, sections 10A.322, subdivision 1; 13.7191, by adding a subdivision; 47.58, subdivision 1; 62J.495, subdivision 11; 62J.691; 62Q.471; 62U.04, subdivisions 4, 5; 93.2235, subdivision 2; 116V.01, subdivision 10; 120B.021, subdivision 1a; 122A.415, subdivision 1; 124D.041, subdivision 3; 124D.895, subdivision 3; 125A.78, as amended; 137.022, subdivision 2; 144A.10, subdivision 16; 144A.441; 144A.442; 145.8821; 148F.105, subdivision 2; 148F.2051; 168D.07; 176.081, subdivision 9; 216B.39, subdivision 6; 245.4712, subdivision 2; 245A.04, subdivision 7; 252.41, subdivision 1; 252.451, subdivision 2; 256B.038; 256B.0625, subdivision 33; 256B.0918, subdivision 2; 256B.0947, subdivision 3a; 256B.431, subdivision 28; 256B.69, subdivision 23; 256B.765; 256J.95, subdivision 10; 257.73, subdivision 1; 260C.307; 268.095, subdivision 5; 270.12, subdivision 3; 273.1398, subdivision 8; 273.42, subdivision 2; 275.065, subdivision 3; 276A.01, subdivision 4; 297B.01, subdivision 12; 298.01, subdivisions 4b, 4c;

299C.54, subdivision 4; 299D.02, subdivision 1; 322B.925; 326B.32, subdivision 4; 327B.12, subdivision 1; 353.27, subdivision 1a; 353.28, subdivision 6; 353.65, subdivisions 1, 6; 353D.03, subdivision 4; 356.99, subdivision 1; 374.21, subdivision 3; 375.192, subdivision 3; 383A.405, subdivision 3; 383B.219, subdivision 3; 424B.12, subdivision 2; 461.15; 462A.05, subdivision 24; 469.175, subdivision 6; 469.1764, subdivision 1; 469.1771, subdivision 1; 469.310, subdivision 7; 473.641, subdivision 1; 473.661, subdivision 4; 473F.02, subdivision 4; 475.53, subdivision 7; 484.90, subdivision 6; 518C.613; 548.091, subdivision 2a; 572B.04; 604A.33, subdivision 1; 609B.203; Minnesota Statutes 2013 Supplement, sections 10A.01, subdivision 35; 62L.045, subdivision 2; 62Q.186, subdivision 4; 69.021, subdivision 10; 69.031, subdivision 5; 69.041; 69.051, subdivision 3; 72A.2032, subdivision 5; 85.055, subdivision 1; 125A.79, subdivision 1; 144A.4792, subdivision 3; 145A.061, subdivision 3; 149A.93, subdivision 3; 152.126, subdivision 6; 245.94, subdivision 2a; 245A.192, subdivisions 2, 5, 6, 7, 11, 12; 245D.02, subdivisions 4d, 8c, 23b; 245D.03, subdivision 1; 245D.04, subdivision 3; 245D.051, subdivision 1; 245D.10, subdivision 4; 245D.11, subdivision 4; 245D.31, subdivision 10; 256B.057, subdivision 8; 256B.0911, subdivision 6; 256B.0917, subdivision 1a; 256B.0949, subdivision 11; 256B.5015, subdivision 1; 256B.694; 256B.85, subdivisions 2, 5, 8; 256N.02, subdivision 13; 256N.24, subdivisions 6, 7, 8, 9, 12, 13; 256N.25, subdivisions 2, 3; 256N.26, subdivisions 6, 15; 256N.27, subdivision 3; 290B.04, subdivision 2; 292.16; 296A.17, subdivision 3; 297A.66, subdivisions 3, 4a; 352.03, subdivision 4; 353.29, subdivision 3; 354A.31, subdivisions 4, 4a; 356.47, subdivision 1; 356A.01, subdivision 19; 383B.158, subdivision 1; 423A.02, subdivision 3; 424A.02, subdivision 7; 469.177, subdivision 1d; 473.606, subdivision 3; 473F.08, subdivision 3c; 490.121, subdivisions 25, 26; 490.124, subdivision 1; 626.556, subdivision 2; Laws 1969, chapter 223, section 1, as amended; Laws 2010, chapter 216, section 55, as amended; Laws 2013, chapter 108, article 1, section 68; article 3, section 48; article 11, sections 33; 34; article 12, section 108; article 15, section 3; Laws 2013, chapter 111, article 16, section 1; repealing Minnesota Statutes 2012, sections 144.214, subdivisions 1, 2, 3; 270B.14, subdivision 14; 353.026; Minnesota Statutes 2013 Supplement, sections 256B.021, subdivision 7; 256I.05, subdivision 1o; 356.315, subdivision 8a; Laws 2013, chapter 107, article 4, section 19; Laws 2013, chapter 108, article 1, section 66; Laws 2013, chapter 116, article 1, section 49, subdivisions 5, 6; Laws 2013, chapter 134, section 7; Laws 2013, chapter 138, article 4, section 1.

Senator Latz moved that the amendment made to H.F. No. 2546 by the Committee on Rules and Administration in the report adopted May 13, 2014, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

### RECESS

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

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

H.F. No. 2546 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Eaton	Johnson	Pappas	Skoe
Benson	Eken	Kent	Pederson, J.	Sparks
Bonoff	Fischbach	Kiffmeyer	Petersen, B.	Stumpf
Brown	Franzen	Koenen	Pratt	Thompson
Carlson	Gazelka	Latz	Reinert	Tomassoni
Chamberlain	Goodwin	Limmer	Rest	Torres Ray
Champion	Hann	Lourey	Rosen	Weber
Clausen	Hawj	Marty	Ruud	Westrom
Cohen	Hayden	Metzen	Saxhaug	Wiger
Dahle	Hoffman	Newman	Scalze	Wiklund
Dahms	Housley	Nienow	Senjem	
Dibble	Ingebrigtsen	Ortman	Sheran	
Dziedzic	Jensen	Osmek	Sieben	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1981:** A bill for an act relating to transportation; roads; eliminating the sunset of certain snow removal authority; amending Minnesota Statutes 2013 Supplement, section 160.21, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Eken	Kent	Pappas	Skoe
Benson	Fischbach	Kiffmeyer	Pederson, J.	Sparks
Bonoff	Franzen	Koenen	Petersen, B.	Stumpf
Brown	Gazelka	Latz	Pratt	Thompson
Carlson	Goodwin	Limmer	Reinert	Tomassoni
Chamberlain	Hall	Lourey	Rest	Torres Ray
Champion	Hann	Marty	Rosen	Weber
Clausen	Hawj	Metzen	Ruud	Westrom
Cohen	Hayden	Miller	Saxhaug	Wiger
Dahle	Hoffman	Nelson	Scalze	Wiklund
Dahms	Housley	Newman	Schmit	
Dibble	Ingebrigtsen	Nienow	Senjem	
Dziedzic	Jensen	Ortman	Sheran	
Eaton	Johnson	Osmek	Sieben	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3073:

**H.F. No. 3073:** A bill for an act relating to insurance; modifying certain regulations to reduce the incidence of insurance fraud; regulating no-fault auto benefits; regulating certain property and casualty coverages; limiting reimbursement for certain prescription drugs; regulating batch billing; modifying certain economic benefits under chapter 65B; establishing a task force on motor vehicle insurance coverage verification; amending Minnesota Statutes 2012, sections 13.7191, subdivision 16; 60A.952, subdivision 3; 65B.44, subdivisions 2, 3, 4, 6, by adding a subdivision; 65B.525, by adding a subdivision; 65B.54, subdivision 2; 72A.502, subdivision 2; 604.18, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 60A; 65B; repealing Minnesota Statutes 2012, section 72A.327.

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

Atkins, Fritz and McNamara have been appointed as such committee on the part of the House.

House File No. 3073 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 14, 2014

Senator Jensen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3073, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

#### **MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 2175 and the Conference Committee Report thereon were reported to the Senate.

#### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 2175**

A bill for an act relating to state government; prohibiting state agencies from paying more than ten percent over the appraised value to acquire real property; proposing coding for new law in Minnesota Statutes, chapter 16B.

May 12, 2014

The Honorable Sandra L. Pappas  
President of the Senate

The Honorable Paul Thissen  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2175 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. 2175 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [16B.297] ACQUISITION OF REAL PROPERTY.

Subdivision 1. **Definition.** For the purposes of this section, "agency" means an agency as defined in section 16B.01, subdivision 2, and the Board of Trustees of the Minnesota State Colleges and Universities, but does not include the Department of Transportation, the Department of Natural Resources, or the Board of Water and Soil Resources.

Subd. 2. **Maximum price.** When an agency is authorized to acquire real property or an interest in real property with public money, the procedure in this section applies. The agency must first prepare a fact sheet providing a legal description of the real property to be acquired and the legal authority for its acquisition. The agency must obtain an appraisal of the real property by a person licensed under chapter 82B as an appraiser for the type of real property being appraised and the appraisal must be done in accordance with the requirements of chapter 82B. The appraiser shall not have an interest directly or indirectly in any of the real property to be appraised. The agency may pay less for the property than the appraised value but must not agree to pay more than ten percent above the appraised value. If the real property is appraised at less than \$100,000 by the agency and the seller, the agency may pay more than 110 percent of the agency's appraised value but no more than the seller's appraised value. New appraisals may be made at the discretion of the agency.

Sec. 2. **REPORT.**

The commissioner of management and budget shall report by January 15, 2015, to the chairs and ranking minority members of the legislative committees with jurisdiction over policy and finance relating to real property acquisition by the state on what information and documentation related to the parties' administrative costs should be required before the state agrees to acquire real property or an interest in real property. The commissioner, as part of the report, shall recommend whether exceptions to the requirements of Minnesota Statutes, section 16B.297, are necessary to protect the public interest and make recommendations for appropriate exceptions, if any."

Delete the title and insert:

"A bill for an act relating to state government; prohibiting state agencies from paying more than ten percent over the appraised value to acquire real property; requiring a report proposing coding for new law in Minnesota Statutes, chapter 16B."

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

Senate Conferees: Terri E. Bonoff, Jeremy R. Miller, Greg D. Clausen

House Conferees: Lyndon Carlson Sr., Gene Pelowski Jr., Steve Drazkowski

Senator Bonoff moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2175 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2175 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 15, as follows:

Those who voted in the affirmative were:

Bakk	Eken	Kent	Pratt	Sparks
Bonoff	Fischbach	Koenen	Reinert	Stumpf
Carlson	Franzen	Latz	Rest	Tomassoni
Chamberlain	Gazelka	Lourey	Rosen	Torres Ray
Champion	Goodwin	Marty	Saxhaug	Weber
Clausen	Hawj	Metzen	Scalze	Wiger
Cohen	Hayden	Miller	Schmit	Wiklund
Dahle	Hoffman	Nelson	Senjem	
Dibble	Housley	Nienow	Sheran	
Dziedzic	Jensen	Pappas	Sieben	
Eaton	Johnson	Pederson, J.	Skoe	

Those who voted in the negative were:

Anderson	Dahms	Ingebrigtsen	Ortman	Ruud
Benson	Hall	Limmer	Osmek	Thompson
Brown	Hann	Newman	Petersen, B.	Westrom

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2466 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2466

A bill for an act relating to public safety; requiring law enforcement to secure a tracking warrant in order to receive cell phone tracking data; amending Minnesota Statutes 2012, section 626A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 626A.

May 12, 2014

The Honorable Sandra L. Pappas  
President of the Senate

The Honorable Paul Thissen  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2466 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. 2466 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 626A.28, subdivision 3, is amended to read:

Subd. 3. **Records concerning electronic communication service or remote computing service.** (a) Except as provided in paragraph (b) or chapter 325M, a provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communications covered by subdivision 1 or 2, to any person other than a governmental entity.

(b) A provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including

the contents of communications covered by subdivision 1 or 2, to a governmental entity only when the governmental entity:

- (1) uses an administrative subpoena authorized by statute, or a grand jury subpoena;
- (2) obtains a warrant;
- (3) obtains a court order for such disclosure under subdivision 4; or
- (4) has the consent of the subscriber or customer to the disclosure.

(c) A governmental entity receiving records or information under this subdivision is not required to provide notice to a subscriber or customer.

(d) Notwithstanding paragraph (b), a provider of electronic communication service or remote computing service may not disclose location information covered by section 626A.42 to a government entity except as provided in that section.

**Sec. 2. [626A.42] ELECTRONIC DEVICE LOCATION INFORMATION.**

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

(b) "Electronic communication service" has the meaning given in section 626A.01, subdivision 17.

(c) "Electronic device" means a device that enables access to or use of an electronic communication service, remote computing service, or location information service.

(d) "Government entity" means a state or local agency, including but not limited to a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission or an individual acting or purporting to act for or on behalf of a state or local agency.

(e) "Location information" means information concerning the location of an electronic device that, in whole or in part, is generated or derived from or obtained by the operation of an electronic device.

(f) "Location information service" means the provision of a global positioning service or other mapping, locational, or directional information service.

(g) "Remote computing service" has the meaning given in section 626A.34.

(h) "Tracking warrant" means an order in writing, in the name of the state, signed by a court other than a court exercising probate jurisdiction, directed to a peace officer, granting the officer access to location information of an electronic device.

Subd. 2. **Tracking warrant required for location information.** (a) Except as provided in paragraph (b), a government entity may not obtain the location information of an electronic device without a tracking warrant. A warrant granting access to location information must be issued only if the government entity shows that there is probable cause the person who possesses an electronic device is committing, has committed, or is about to commit a crime. An application for a warrant must be made in writing and include:

(1) the identity of the government entity's peace officer making the application, and the officer authorizing the application; and

(2) a full and complete statement of the facts and circumstances relied on by the applicant to justify the applicant's belief that a warrant should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, and (ii) the identity of the person, if known, committing the offense whose location information is to be obtained.

(b) A government entity may obtain location information without a tracking warrant:

(1) when the electronic device is reported lost or stolen by the owner;

(2) in order to respond to the user's call for emergency services;

(3) with the informed, affirmative, documented consent of the owner or user of the electronic device;

(4) with the informed, affirmative consent of the legal guardian or next of kin of the owner or user if the owner or user is believed to be deceased or reported missing and unable to be contacted;  
or

(5) in an emergency situation that involves the risk of death or serious physical harm to a person who possesses an electronic communications device pursuant to sections 237.82 and 237.83.

Subd. 3. **Time period and extensions.** (a) A tracking warrant issued under this section must authorize the collection of location information for a period not to exceed 60 days, or the period of time necessary to achieve the objective of the authorization, whichever is less.

(b) Extensions of a tracking warrant may be granted, but only upon an application for an order and upon the judicial finding required by subdivision 2, paragraph (a). The period of extension must be for a period not to exceed 60 days, or the period of time necessary to achieve the objective for which it is granted, whichever is less.

(c) Paragraphs (a) and (b) apply only to tracking warrants issued for the contemporaneous collection of electronic device location information.

Subd. 4. **Notice; temporary nondisclosure of tracking warrant.** (a) Within a reasonable time but not later than 90 days after the court unseals the tracking warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory which shall include notice of:

(1) the fact of the issuance of the warrant or the application;

(2) the date of the issuance and the period of authorized, approved, or disapproved collection of location information, or the denial of the application; and

(3) the fact that during the period location information was or was not collected.

(b) A tracking warrant authorizing collection of location information must direct that:

(1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and

(2) the warrant be filed with the court administrator within ten days of the expiration of the warrant.

(c) The prosecutor may request that the tracking warrant, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part

if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) The tracking warrant must direct that following the commencement of any criminal proceeding utilizing evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until such filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee.

Subd. 5. **Report concerning collection of location information.** (a) At the same time as notice is provided under subdivision 4, the issuing or denying judge shall report to the state court administrator:

- (1) the fact that a tracking warrant or extension was applied for;
- (2) the fact that the warrant or extension was granted as applied for, was modified, or was denied;
- (3) the period of collection authorized by the warrant, and the number and duration of any extensions of the warrant;
- (4) the offense specified in the warrant or application, or extension of a warrant;
- (5) whether the collection required contemporaneous monitoring of an electronic device's location; and
- (6) the identity of the applying investigative or peace officer and agency making the application and the person authorizing the application.

(b) On or before November 15 of each even-numbered year, the state court administrator shall transmit to the legislature a report concerning: (1) all tracking warrants authorizing the collection of location information during the two previous calendar years; and (2) all applications that were denied during the two previous calendar years. Each report shall include a summary and analysis of the data required to be filed under this subdivision. The report is public and must be available for public inspection at the Legislative Reference Library and the state court administrator's office and Web site.

Subd. 6. **Prohibition on use of evidence.** (a) Except as proof of a violation of this section, no evidence obtained in violation of this section shall be admissible in any criminal, civil, administrative, or other proceeding.

(b) Any location information obtained pursuant to this chapter or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a federal or state court unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the tracking warrant, and accompanying application, under which the information was obtained. This ten-day period may be waived by the judge if the judge finds that it was not possible to furnish a party with the required information ten days before the trial, hearing, or proceeding and that a party will not be prejudiced by the delay in receiving the information."

Delete the title and insert:

"A bill for an act relating to public safety; requiring law enforcement to secure a tracking warrant in order to receive electronic device location information; amending Minnesota Statutes

2012, section 626A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 626A."

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

Senate Conferees: Branden Petersen, D. Scott Dibble, Bobby Joe Champion

House Conferees: Joe Atkins, Tony Cornish

Senator Petersen, B. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2466 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2466 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Pappas	Sieben
Benson	Franzen	Koenen	Pederson, J.	Skoe
Bonoff	Gazelka	Latz	Petersen, B.	Sparks
Brown	Goodwin	Limmer	Pratt	Stumpf
Carlson	Hall	Lourey	Reinert	Thompson
Chamberlain	Hann	Marty	Rest	Tomassoni
Champion	Hawj	Metzen	Rosen	Torres Ray
Clausen	Hayden	Miller	Ruud	Weber
Dahle	Hoffman	Nelson	Saxhaug	Westrom
Dahms	Housley	Newman	Scalze	Wiger
Dibble	Jensen	Nienow	Schmit	Wiklund
Eaton	Johnson	Ortman	Senjem	
Eken	Kent	Osmeck	Sheran	

Those who voted in the negative were:

Ingebrigtsen

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Dahle moved that S.F. No. 2118, No. 59 on General Orders, be stricken and returned to its author. The motion prevailed.

Senator Hoffman moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Stumpf be added as chief author to S.F. No. 2522. The motion prevailed.

### **RECESS**

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

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

**CALL OF THE SENATE**

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

**APPOINTMENTS**

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

H.F. No. 3073: Senators Jensen, Kent and Metzen.

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2268.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2014

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2180, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2180 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 14, 2014

**CONFERENCE COMMITTEE REPORT ON H. F. NO. 2180**

A bill for an act relating to insurance; amending provisions relating to health coverage for school district employees; amending Minnesota Statutes 2012, sections 43A.316, subdivision 10, by adding a subdivision; 123B.09, subdivision 12; 123B.75, by adding a subdivision; 471.6161, subdivisions 1, 3, by adding a subdivision; 471.895, subdivision 1; Minnesota Statutes 2013 Supplement, section 124D.10, subdivisions 4a, 11, 21.

May 13, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2180 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. 2180 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, 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. The public employee insurance program must follow the requirements of section 471.6161, subdivision 8.

Sec. 2. Minnesota Statutes 2012, section 43A.316, is amended by adding a subdivision to read:

Subd. 11. **Proposal from school district; response required.** Upon receipt of a request for a proposal from a school district pursuant to section 471.6161, subdivision 8, the public employees insurance program shall respond to the request within 60 days.

Sec. 3. Minnesota Statutes 2012, section 123B.09, subdivision 12, is amended to read:

Subd. 12. **Board to fix compensation.** The clerk, treasurer, and superintendent of any district shall receive such compensation as may be fixed by the board. Unless otherwise provided by law, the other members of the board shall also receive such compensation as may be fixed by the board. All members of the board may receive reimbursement for transportation at the rate provided for in section 471.665. No board member or school district employee shall receive any compensation or benefits based on incentives or other money provided to the school district by or from a source of group insurance coverage referenced in section 471.6161, subdivision 1, except for a refund provided under section 123B.75, subdivision 10, or a wellness plan that is mutually agreed upon by the district and the exclusive representatives of employees.

Sec. 4. Minnesota Statutes 2012, section 123B.75, is amended by adding a subdivision to read:

Subd. 10. **Insurance premium refund.** (a) If money collected by an entity providing group insurance under section 471.6161, subdivision 1, for the payment of insurance premiums is above the cost of that coverage and returned to the school district purchasing that coverage as a refund, that school district must negotiate with the exclusive representative regarding the refund amount attributable to the proportionate number of insured lives covered by that exclusive representative.

(b) If there is no exclusive representative or if the employer and the exclusive representative are unable to come to an agreement within 150 days, the remaining refunds shall be used to pay the full premium to the program for any employees not covered by an agreement negotiated under this section until the proportionate refunds are depleted. These refunds shall be used for a proportional premium payment at the time it is necessary to deplete the balance.

Sec. 5. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 4a, is amended to read:

Subd. 4a. **Conflict of interest.** (a) An individual is prohibited from serving as a member of the charter school board of directors if the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. An individual is prohibited from serving as a board member if an immediate family member is an employee of the school. A violation of this prohibition renders a contract voidable at the option of the commissioner or the charter school board of directors. A member of a charter school board of directors who violates this prohibition is individually liable to the charter school for any damage caused by the violation.

(b) No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when:

- (1) the board member, employee, officer, or agent;
- (2) the immediate family of the board member, employee, officer, or agent;
- (3) the partner of the board member, employee, officer, or agent; or
- (4) an organization that employs, or is about to employ any individual in clauses (1) to (3),

has a financial or other interest in the entity with which the charter school is contracting. A violation of this prohibition renders the contract void.

(c) Any employee, agent, or board member of the authorizer who participates in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or nonrenewal process or decision is ineligible to serve on the board of directors of a school chartered by that authorizer.

(d) An individual may serve as a member of the board of directors if no conflict of interest under paragraph (a) exists.

(e) The conflict of interest provisions under this subdivision do not apply to compensation paid to a teacher employed as a teacher by the charter school or a teacher who provides instructional services to the charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

(f) A charter school board member, employee, or officer is a local official for purposes of section 471.895 with regard to receipt of gifts as defined under section 10A.071, subdivision 1, paragraph (b). A board member, employee, or officer must not receive compensation from a group health insurance provider.

Sec. 6. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 11, is amended to read:

Subd. 11. **Employment and other operating matters.** (a) A charter school must employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1, who hold valid licenses to perform the particular service for which they are employed in the school. The charter school's state aid may be reduced under section 127A.43 if the school employs a teacher who is not appropriately licensed or approved by the board of teaching. The school may employ necessary

employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. The charter school board is subject to section 181.932. When offering employment to a prospective employee, a charter school must give that employee a written description of the terms and conditions of employment and the school's personnel policies.

(b) A person, without holding a valid administrator's license, may perform administrative, supervisory, or instructional leadership duties. The board of directors shall establish qualifications for persons that hold administrative, supervisory, or instructional leadership roles. The qualifications shall include at least the following areas: instruction and assessment; human resource and personnel management; financial management; legal and compliance management; effective communication; and board, authorizer, and community relationships. The board of directors shall use those qualifications as the basis for job descriptions, hiring, and performance evaluations of those who hold administrative, supervisory, or instructional leadership roles. The board of directors and an individual who does not hold a valid administrative license and who serves in an administrative, supervisory, or instructional leadership position shall develop a professional development plan. Documentation of the implementation of the professional development plan of these persons shall be included in the school's annual report.

(c) The board of directors also shall decide and be responsible for policy matters related to the operation of the school, including budgeting, curriculum programming, personnel, and operating procedures. The board shall adopt a policy on nepotism in employment. The board shall adopt personnel evaluation policies and practices that, at a minimum:

- (1) carry out the school's mission and goals;
- (2) evaluate the execution of charter contract goals and commitments;
- (3) evaluate student achievement, postsecondary and workforce readiness, and student engagement and connection goals;
- (4) establish a teacher evaluation process under subdivision 8, paragraph (t); and
- (5) provide professional development related to the individual's job responsibilities.

(d) A charter school board with at least 25 employees or a teacher cooperative of licensed teachers providing instruction under a contract between a school and a cooperative that provides group health insurance coverage shall:

(1) request proposals for group health insurance coverage from a minimum of three sources at least every two years; and

(2) notify employees covered by the group health insurance coverage before the effective date of the changes in the group coverage policy contract.

A charter school board or a cooperative of teachers that provides group health insurance coverage must establish and publish on its Web site the policy for the purchase of group health insurance coverage. A charter school board policy must include a sealed proposal process, which requires all proposals to be opened at the same time. Upon the openings of the proposals in accordance with the school or cooperative policy, the proposals become public data under chapter 13.

Nothing in this section supersedes the right of an exclusive representative to negotiate over terms and conditions of employment.

Sec. 7. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 21, is amended to read:

Subd. 21. **Collective bargaining.** Employees of the board of directors of a charter school may, if otherwise eligible, organize under chapter 179A and comply with its provisions. The board of directors of a charter school is a public employer, for the purposes of chapter 179A, upon formation of one or more bargaining units at the school. Bargaining units at the school must be separate from any other units within an authorizing district, except that bargaining units may remain part of the appropriate unit within an authorizing district, if the employees of the school, the board of directors of the school, the exclusive representative of the appropriate unit in the authorizing district, and the board of the authorizing district agree to include the employees in the appropriate unit of the authorizing district. The board of directors of a charter school with employees organized under this subdivision must comply with sections 471.6161 and 471.895.

Sec. 8. Minnesota Statutes 2012, section 471.6161, subdivision 1, is amended to read:

Subdivision 1. **Group insurance coverage.** For purposes of this section, "group insurance coverage" means benefit coverage provided to a group through ~~a carrier~~ an entity authorized under ~~chapters~~ section 43A.316 or 123A.21, subdivision 7; or chapter 61A, 62A, 62C, and or 62D to do business in the state.

Sec. 9. Minnesota Statutes 2012, section 471.6161, subdivision 2, is amended to read:

Subd. 2. **Request for proposal.** Every political subdivision authorized by law to purchase group insurance for its employees and providing or intending to provide group insurance coverage and benefits for 25 or more of its employees shall request proposals from and enter into contracts with ~~carriers~~ entities referenced in subdivision 1 that in the judgment of the political subdivision are best qualified to provide coverage. The request for proposals shall be in writing and at a minimum shall include: coverage to be provided, criteria for evaluation of ~~carrier~~ proposals from entities referenced in subdivision 1, and the aggregate claims records for the appropriate period. A political subdivision may exclude from consideration proposals requiring self-insurance. Public notice of the request for proposals must be provided in a newspaper or trade journal at least 21 days before the final date for submitting proposals.

Sec. 10. Minnesota Statutes 2012, section 471.6161, subdivision 3, is amended to read:

Subd. 3. **Selection of carrier.** The political subdivision shall make benefit and cost comparisons and evaluate the proposals using the written criteria. The political subdivision may negotiate with ~~the carrier~~ an entity referenced in subdivision 1 on benefits, premiums, and other contract terms. ~~Carriers applying~~ Any entity providing group insurance coverage to the political subdivision must provide the political subdivision with aggregate claims records for the appropriate period. The political subdivision must prepare a written rationale for its decision before entering into a contract with ~~a carrier~~ an entity referenced in subdivision 1.

Sec. 11. Minnesota Statutes 2012, section 471.6161, is amended by adding a subdivision to read:

Subd. 8. **School districts; group health insurance coverage.** (a) Any entity providing group health insurance coverage to a school district must provide the school district with school

district-specific nonidentifiable aggregate claims records for the most recent 24 months within 30 days of the request.

(b) School districts shall request proposals for group health insurance coverage as provided in subdivision 2 from a minimum of three potential sources of coverage. One of these requests must go to an administrator governed by chapter 43A. Entities referenced in subdivision 1 must respond to requests for proposals received directly from a school district. School districts that are self-insured must also follow these provisions, except as provided in paragraph (f). School districts must make requests for proposals at least 150 days prior to the expiration of the existing contract but not more frequently than once every 24 months. The request for proposals must include the most recently available 24 months of nonidentifiable aggregate claims data. The request for proposals must be publicly released at or prior to its release to potential sources of coverage.

(c) School district contracts for group health insurance must not be longer than two years unless the exclusive representative of the largest employment group and the school district agree otherwise.

(d) All initial proposals shall be sealed upon receipt until they are all opened no less than 90 days prior to the plan's renewal date in the presence of up to three representatives selected by the exclusive representative of the largest group of employees. Section 13.591, subdivision 3, paragraph (b), applies to data in the proposals. The representatives of the exclusive representative must maintain the data according to this classification and are subject to the remedies and penalties under sections 13.08 and 13.09 for a violation of this requirement.

(e) A school district, in consultation with the same representatives referenced in paragraph (d), may continue to negotiate with any entity that submitted a proposal under paragraph (d) in order to reduce costs or improve services under the proposal. Following the negotiations any entity that submitted an initial proposal may submit a final proposal incorporating the negotiations, which is due no less than 75 days prior to the plan's renewal date. All the final proposals submitted must be opened at the same time in the presence of up to three representatives selected by the exclusive representative of the largest group of employees. Notwithstanding section 13.591, subdivision 3, paragraph (b), following the opening of the final proposals, all the proposals, including any made under paragraph (d), and other data submitted in connection with the proposals are public data. The school district may choose from any of the initial or final proposals without further negotiations and in accordance with subdivision 5, but not sooner than 15 days after the proposals become public data.

(f) School districts that are self-insured shall follow all of the requirements of this section, except that:

(1) their requests for proposals may be for third-party administrator services, where applicable;

(2) these requests for proposals must be from a minimum of three different sources, which may include both entities referenced in subdivision 1 and providers of third-party administrator services;

(3) for purposes of fulfilling the requirement to request a proposal for group insurance coverage from an administrator governed by chapter 43A, self-insured districts are not required to include in the request for proposal the coverage to be provided;

(4) a district that is self-insured on or before the date of enactment, or that is self-insured with more than 1,000 insured lives, may, but need not, request a proposal from an administrator governed by chapter 43A;

(5) requests for proposals must be sent to providers no less than 90 days prior to the expiration of the existing contract; and

(6) proposals must be submitted at least 60 days prior to the plan's renewal date and all proposals shall be opened at the same time and in the presence of the exclusive representative, where applicable.

(g) Nothing in this section shall restrict the authority granted to school district boards of education by section 471.59, except that districts will not be considered self-insured for purposes of this subdivision solely through participation in a joint powers arrangement.

(h) An entity providing group health insurance to a school district under a multiyear contract must give notice of any rate or plan design changes applicable under the contract at least 90 days before the effective date of any change. The notice must be given to the school district and to the exclusive representatives of employees.

Sec. 12. Minnesota Statutes 2012, section 471.617, subdivision 2, is amended to read:

Subd. 2. **Jointly.** Any two or more statutory or home rule charter cities, counties, school districts, or instrumentalities thereof which together have more than 100 employees may jointly self-insure for any employee health benefits including long-term disability, but not for employee life benefits, subject to the same requirements as an individual self-insurer under subdivision 1. Self-insurance pools under this section are subject to section 62L.045. A self-insurance pool established and operated by one or more service cooperatives governed by section 123A.21 to provide coverage described in this subdivision qualifies under this subdivision, but the individual school district members of such a pool shall not be considered to be self-insured for purposes of section 471.6161, subdivision 8, paragraph (f). The commissioner of commerce may adopt rules pursuant to chapter 14, providing standards or guidelines for the operation and administration of self-insurance pools.

Sec. 13. Minnesota Statutes 2012, section 471.895, subdivision 1, is amended to read:

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

(b) "Gift" has the meaning given it in section 10A.071, subdivision 1.

(c) "Interested person" means a person or a representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make.

(d) "Local official" means:

(1) an elected or appointed official of a county or city or of an agency, authority, or instrumentality of a county or city; and

(2) an elected or appointed member of a school board, a school superintendent, a school principal, or a district school officer of any independent school district.

Sec. 14. **EFFECTIVE DATE.**

Sections 3 to 7 and 13 are effective July 1, 2014. Sections 1, 2, 8 to 10, and 12 are effective the day following final enactment. Section 11 is effective the day following final enactment and applies to requests for proposals for group insurance coverage issued on or after that date."

Delete the title and insert:

"A bill for an act relating to insurance; amending provisions relating to health coverage for school district employees; amending Minnesota Statutes 2012, sections 43A.316, subdivision 10, by adding a subdivision; 123B.09, subdivision 12; 123B.75, by adding a subdivision; 471.6161, subdivisions 1, 2, 3, by adding a subdivision; 471.617, subdivision 2; 471.895, subdivision 1; Minnesota Statutes 2013 Supplement, section 124D.10, subdivisions 4a, 11, 21."

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

House Conferees: Erin Murphy, John Ward, Greg Davids

Senate Conferees: Katie Sieben, Vicki Jensen, Jeremy R. Miller

Senator Sieben moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2180 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Senator Pederson, J. moved that the recommendations and Conference Committee Report on H.F. No. 2180 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

### CALL OF THE SENATE

Senator Sieben imposed a call of the Senate for the balance of the proceedings on H.F. No. 2180. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Pederson, J. motion.

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

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Pederson, J.	Thompson
Benson	Hall	Nelson	Petersen, B.	Weber
Brown	Hann	Newman	Pratt	Westrom
Chamberlain	Housley	Nienow	Rosen	
Dahms	Ingebrigtsen	Ortman	Ruud	
Fischbach	Kiffmeyer	Osmek	Senjem	

Those who voted in the negative were:

Bonoff	Eaton	Johnson	Pappas	Skoe
Carlson	Eken	Kent	Reinert	Sparks
Champion	Franzen	Koenen	Rest	Stumpf
Clausen	Goodwin	Latz	Saxhaug	Tomassoni
Cohen	Hawj	Lourey	Scalze	Torres Ray
Dahle	Hayden	Marty	Schmit	Wiger
Dibble	Hoffman	Metzen	Sheran	Wiklund
Dziedzic	Jensen	Miller	Sieben	

The motion did not prevail.

The question recurred on the adoption of the Sieben motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2180 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 40 and nays 27, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Miller	Sieben
Brown	Eaton	Johnson	Pappas	Skoe
Carlson	Eken	Kent	Reinert	Sparks
Champion	Franzen	Koenen	Rest	Stumpf
Clausen	Goodwin	Latz	Saxhaug	Tomassoni
Cohen	Hawj	Lourey	Scalze	Torres Ray
Dahle	Hayden	Marty	Schmit	Wiger
Dibble	Hoffman	Metzen	Sheran	Wiklund

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Pederson, J.	Thompson
Benson	Hall	Nelson	Petersen, B.	Weber
Bonoff	Hann	Newman	Pratt	Westrom
Chamberlain	Housley	Nienow	Rosen	
Dahms	Ingebrigtsen	Ortman	Ruud	
Fischbach	Kiffmeyer	Osmek	Senjem	

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

#### MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2192, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2192:** A bill for an act relating to environment; prohibiting and regulating certain lead and mercury products; regulating certain products containing formaldehyde; amending Minnesota Statutes 2012, sections 115A.932, subdivision 1; 116.92, subdivisions 4, 5, 6, 8j, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 325F.176; 325F.177; proposing coding for new law in Minnesota Statutes, chapter 116.

Senate File No. 2192 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2014

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2466, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2466:** A bill for an act relating to public safety; requiring law enforcement to secure a tracking warrant in order to receive cell phone tracking data; amending Minnesota Statutes 2012, section 626A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 626A.

Senate File No. 2466 is herewith returned to the Senate.

104TH DAY]

WEDNESDAY, MAY 14, 2014

9341

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2014

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2092, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2092 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 14, 2014

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2092

A bill for an act relating to motor vehicles; license plates; authorizing a veteran's special motorcycle plate for combat wounded veterans; amending Minnesota Statutes 2012, section 168.123, subdivision 1.

May 12, 2014

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

We, the undersigned conferees for H. F. No. 2092 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. 2092 be further amended as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2012, section 168.12, subdivision 2b, is amended to read:

Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue special plates, or a single license plate in the case of a motorcycle plate, to any applicant who:

(1) is a member of a fire department receiving state aid under chapter 69, has a letter from the fire chief, and is an owner of a passenger automobile as defined in section 168.002, subdivision 24, a one-ton pickup truck as defined in section 168.002, subdivision 21b, or a motorcycle as defined in section 168.002, subdivision 19;

(2) pays a fee of \$10 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter for the motor vehicle; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner.

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred, the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates; or special motorcycle plate, ~~either~~ the owner or purchaser of the motor vehicle shall obtain regular plates ~~or~~, a regular motorcycle plate, or special plates for the proper registration classification for the motor vehicle.

(d) A special motorcycle license plate issued under this subdivision must be the same size as a standard motorcycle license plate.

(e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger automobile or truck may be transferred to another passenger automobile or truck owned or jointly owned by the person to whom the plates were issued. On payment of a fee of \$5, a plate issued under this subdivision for a motorcycle may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued.

(f) The commissioner may adopt rules under the Administrative Procedure Act, sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized in this subdivision.

Sec. 2. Minnesota Statutes 2012, section 168.12, is amended by adding a subdivision to read:

Subd. 2g. **Retired firefighters; special plates.** (a) The commissioner shall issue special retired firefighters plates to an applicant who:

(1) is a retired member of a fire department as defined in section 299N.01, subdivision 2, has a letter from the fire chief affirming that the applicant is a retired firefighter who served ten or more years and separated in good standing, and is a registered owner of a passenger automobile, a one-ton pickup truck, a recreational vehicle, or a motorcycle;

(2) pays a fee of \$10 for each set of license plates applied for along with any other fees required by this chapter; and

(3) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The commissioner shall design the special plate emblem so that it is distinguishable from the emblem on firefighter special plates issued under subdivision 2b.

(c) On payment of a transfer fee of \$5, plates issued under this subdivision may be transferred to another passenger automobile, one-ton pickup truck, recreational vehicle, or motorcycle registered to the individual to whom the special plates were issued.

(d) Fees collected under this subdivision must be credited to the vehicle services operating account in the special revenue fund.

(e) This subdivision is exempt from section 168.1293."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, before "veteran's" insert "retired firefighters special plate and a"

Page 1, line 3, after "veterans;" insert "making technical changes;"

Correct the title numbers accordingly

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

House Conferees: Kathy Brynaert, Ron Erhardt, Tony Cornish

Senate Conferees: Kathy Sheran, Eric R. Pratt, David J. Tomassoni

Senator Sheran moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2092 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2092 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 63 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Eaton	Jensen	Ortman	Sieben
Benson	Eken	Johnson	Osmek	Skoe
Bonoff	Fischbach	Kent	Pappas	Sparks
Brown	Franzen	Kiffmeyer	Pratt	Stumpf
Carlson	Gazelka	Koenen	Pederson, J.	Thompson
Chamberlain	Goodwin	Limmer	Rest	Tomassoni
Champion	Hall	Lourey	Rosen	Torres Ray
Clausen	Hann	Marty	Ruud	Weber
Cohen	Hawj	Metzen	Saxhaug	Westrom
Dahle	Hayden	Miller	Scalze	Wiger
Dahms	Hoffman	Nelson	Schmit	Wiklund
Dibble	Housley	Newman	Senjem	
Dziedzic	Ingebrigtsen	Nienow	Sheran	

Those who voted in the negative were:

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Westrom moved that S.F. No. 1501 be withdrawn from the Committee on Finance and returned to its author. The motion prevailed.

**RECONSIDERATION**

Having voted on the prevailing side, Senator Carlson moved that the vote whereby H.F. No. 2881 was passed by the Senate on May 14, 2014, be now reconsidered. The motion prevailed. So the vote was reconsidered.

**H.F. No. 2881:** A bill for an act relating to transportation; railroads; amending regulation of motor carriers of railroad employees; imposing penalties; amending Minnesota Statutes 2012, sections 169.781, subdivision 2; 221.0255.

**RECONSIDERATION**

Having voted on the prevailing side, Senator Carlson moved that the vote whereby the second Pederson, J. amendment to H.F. No. 2881 was adopted on May 14, 2014, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Pederson, J. withdrew his second amendment.

H.F. No. 2881 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 53 and nays 10, as follows:

Those who voted in the affirmative were:

Bakk	Eaton	Jensen	Newman	Skoe
Bonoff	Eken	Johnson	Pappas	Sparks
Brown	Fischbach	Kent	Pederson, J.	Stumpf
Carlson	Gazelka	Kiffmeyer	Pratt	Tomassoni
Champion	Goodwin	Latz	Rest	Torres Ray
Clausen	Hall	Limmer	Saxhaug	Weber
Cohen	Hawj	Lourey	Scalze	Westrom
Dahle	Hayden	Marty	Schmit	Wiger
Dahms	Hoffman	Metzen	Senjem	Wiklund
Dibble	Housley	Miller	Sheran	
Dziedzic	Ingebrigtsen	Nelson	Sieben	

Those who voted in the negative were:

Anderson	Chamberlain	Nienow	Osmek	Ruud
Benson	Hann	Ortman	Petersen, B.	Thompson

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

**MEMBERS EXCUSED**

Senator Stumpf was excused from the Session of today from 10:00 a.m. to 1:30 p.m. Senators Kiffmeyer, Limmer and Senjem were excused from the Session of today from 11:50 a.m. to 12:05 p.m. Senator Sheran was excused from the Session of today from 11:50 a.m. to 12:10 p.m. Senator Westrom was excused from the Session of today from 11:50 a.m. to 12:45 p.m. Senator Hayden was excused from the Session of today from 12:00 to 12:15 p.m. Senator Bakk was excused from the Session of today from 12:00 to 1:00 p.m. Senator Miller was excused from the Session of today from 12:40 to 12:50 p.m. Senator Nelson was excused from the Session of today from 12:45 to 12:50 p.m. Senator Reinert was excused from the Session of today at 2:35 p.m. Senator Franzen

was excused from the Session of today at 2:40 p.m. Senators Koenen and Rosen were excused from the Session of today at 2:50 p.m.

**ADJOURNMENT**

Senator Bakk moved that the Senate do now adjourn until 10:00 a.m., Thursday, May 15, 2014. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

