

## EIGHTY-NINTH DAY

St. Paul, Minnesota, Wednesday, April 27, 2016

The Senate met at 1:30 p.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, Intern Pastor Anne Jackson.

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:

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

April 27, 2016

The Honorable Sandra L. Pappas  
President of the Senate

Dear Senator Pappas:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on Jobs, Agriculture and Rural Development, to which were referred the following appointments as reported in the Journal for March 16, 2015:

**WORKERS' COMPENSATION COURT OF APPEALS**

David A. Stofferahn  
Deborah K. Sundquist

Sincerely,  
JoAnne M. Zoff  
Secretary of the Senate

**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. 1674, 2777, 2718, 2927 and 3370.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 26, 2016

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time.

**H.F. No. 1674:** A bill for an act relating to state government; modifying procedures for creation, annexation, detachment, and dissolution of sanitary districts; modifying filing and hearing requirements; amending Minnesota Statutes 2014, sections 442A.04, subdivisions 2, 3, 8, 9; 442A.05, subdivisions 2, 4, 9, 10; 442A.06, subdivisions 2, 4, 9, 10; 442A.07, subdivisions 2, 3, 8, 9; 442A.08; 442A.13, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1506, now on General Orders.

**H.F. No. 2777:** A bill for an act relating to public safety; health; courts; authorizing ex parte hearings to determine when an emergency medical service person has a significant exposure to a source individual's bodily fluids; authorizing peace officers to take a noncompliant source individual into temporary custody to collect a blood sample; amending Minnesota Statutes 2014, section 144.7407, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3350, now on General Orders.

**H.F. No. 2718:** A bill for an act relating to local government; permitting the city of Elk River to increase the membership of its public utilities commission.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2423, now on General Orders.

**H.F. No. 2927:** A bill for an act relating to transportation; permitting specific service signs at two locations under certain circumstances; amending Minnesota Statutes 2014, section 160.293, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3217, now on General Orders.

**H.F. No. 3370:** A bill for an act relating to public safety; requiring written statement for change of information by registered predatory offenders; authorizing access to registration data by child protection workers for determination of child residence with predatory offender; amending Minnesota Statutes 2014, sections 243.166, subdivision 7, by adding a subdivision; 299C.093.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3187, now on General Orders.

### REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Report 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. 2749** 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.
2749	2356				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2749 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2749, the second engrossment; and insert the language after the enacting clause of S.F. No. 2356, the first engrossment; further, delete the title of H.F. No. 2749, the second engrossment; and insert the title of S.F. No. 2356, the first engrossment.

And when so amended H.F. No. 2749 will be identical to S.F. No. 2356, and further recommends that H.F. No. 2749 be given its second reading and substituted for S.F. No. 2356, 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. No. 2749 was read the second time.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

**Senator Reinert introduced—**

**S.F. No. 3593:** A bill for an act relating to capital investment; appropriating money for higher education asset preservation and replacement work on the University of Minnesota, Duluth campus; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Koenen introduced—**

**S.F. No. 3594:** A bill for an act relating to public safety; authorizing the commissioner of corrections to house offenders in nonpublicly owned facilities; amending Minnesota Statutes 2014, section 241.01, subdivision 3a.

Referred to the Committee on Judiciary.

**MOTIONS AND RESOLUTIONS**

Senator Tomassoni moved that the name of Senator Hayden be added as a co-author to S.F. No. 2410. The motion prevailed.

Senator Pappas moved that the names of Senators Limmer and Gazelka be added as co-authors to S.F. No. 2862. The motion prevailed.

Senator Wiklund moved that the name of Senator Hall be added as a co-author to S.F. No. 3072. The motion prevailed.

Senator Gazelka moved that the name of Senator Ingebrigtsen be added as a co-author to S.F. No. 3587. The motion prevailed.

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

**MOTIONS AND RESOLUTIONS - CONTINUED****SPECIAL ORDERS**

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

S.F. No. 2315, H.F. No. 2994, S.F. Nos. 2733, 2414, 2793, 2857, 2986 and 2744.

**SPECIAL ORDER**

**S.F. No. 2315:** A bill for an act relating to transportation; highways; designating the segment of marked Trunk Highway 7 in McLeod County as Patrol Officer Michael Alan Hogan Memorial Highway; amending Minnesota Statutes 2014, section 161.14, by adding a subdivision.

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:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 2994:** A bill for an act relating to workers' compensation; reinsurance; modifying retention limits; amending Minnesota Statutes 2014, section 79.34, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 2733:** A bill for an act relating to labor and industry; occupational safety and health; modifying the AWAIR program; amending Minnesota Statutes 2014, section 182.653, subdivision 9.

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 47 and nays 18, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Dahms	Ingebrigtsen	Nienow	Thompson
Benson	Gazelka	Kiffmeyer	Osmek	Westrom
Brown	Hall	Limmer	Ruud	
Chamberlain	Hann	Newman	Senjem	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 2414:** A bill for an act relating to human services; modifying the office of ombudsman for long-term care, mental health treatment services, and miscellaneous policy provisions; amending Minnesota Statutes 2014, sections 245A.11, subdivision 2a; 256.974; 256.9741, subdivision 5, by adding subdivisions; 256.9742; 256B.0622, as amended; 256B.0947, subdivision 2; Minnesota Statutes 2015 Supplement, sections 256.01, subdivision 12a; 256B.0911, subdivision 3a; 256I.04, subdivision 2a; 402A.18, subdivision 3.

Senator Wiklund moved to amend S.F. No. 2414 as follows:

Page 18, line 29, after "Neurology" insert "or the American Osteopathic Board of Neurology and Psychiatry"

Page 33, after line 26, insert:

"Section 1. Minnesota Statutes 2014, section 245.462, subdivision 18, is amended to read:

Subd. 18. **Mental health professional.** "Mental health professional" means a person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

(1) in psychiatric nursing: a registered nurse who is licensed under sections 148.171 to 148.285; and:

(i) who is certified as a clinical specialist or as a nurse practitioner in adult or family psychiatric and mental health nursing by a national nurse certification organization; or

(ii) who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work: a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(3) in psychology: an individual licensed by the Board of Psychology under sections 148.88 to 148.98 who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness;

(4) in psychiatry: a physician licensed under chapter 147 and certified by the American Board of Psychiatry and Neurology or the American Osteopathic Board of Neurology and Psychiatry or eligible for board certification in psychiatry;

(5) in marriage and family therapy: the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(6) in licensed professional clinical counseling, the mental health professional shall be a licensed professional clinical counselor under section 148B.5301 with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness; or

(7) in allied fields: a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

Sec. 2. Minnesota Statutes 2014, section 245.4871, subdivision 27, is amended to read:

**Subd. 27. Mental health professional.** "Mental health professional" means a person providing clinical services in the diagnosis and treatment of children's emotional disorders. A mental health professional must have training and experience in working with children consistent with the age group to which the mental health professional is assigned. A mental health professional must be qualified in at least one of the following ways:

(1) in psychiatric nursing, the mental health professional must be a registered nurse who is licensed under sections 148.171 to 148.285 and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work, the mental health professional must be a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders;

(3) in psychology, the mental health professional must be an individual licensed by the Board of Psychology under sections 148.88 to 148.98 who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental disorders;

(4) in psychiatry, the mental health professional must be a physician licensed under chapter 147 and certified by the American Board of Psychiatry and Neurology or the American Osteopathic Board of Neurology and Psychiatry or eligible for board certification in psychiatry;

(5) in marriage and family therapy, the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders or emotional disturbances;

(6) in licensed professional clinical counseling, the mental health professional shall be a licensed professional clinical counselor under section 148B.5301 with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders or emotional disturbances; or

(7) in allied fields, the mental health professional must be a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of emotional disturbances."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Eaton moved to amend S.F. No. 2414 as follows:

Page 33, after line 26, insert:

"Section 1. Minnesota Statutes 2014, section 148.975, subdivision 1, is amended to read:

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

(b) "Other person" means an immediate family member or someone who personally knows the client and has reason to believe the client is capable of and will carry out the serious, specific threat of harm to a specific, clearly identified or identifiable victim.

(c) "Reasonable efforts" means communicating the serious, specific threat to the potential victim and if unable to make contact with the potential victim, communicating the serious, specific threat to the law enforcement agency closest to the potential victim or the client.

(d) For purposes of this section, "licensee" includes practicum psychology students, predoctoral psychology interns, and individuals who have earned a doctoral degree in psychology and are in the process of completing their postdoctoral supervised psychological employment in order to qualify for licensure.



Sec. 2. Minnesota Statutes 2014, section 148B.1751, is amended to read:

**148B.1751 DUTY TO WARN.**

(a) A licensee must comply with the duty to warn established in section 148.975.

(b) For purposes of this section, "licensee" includes students or interns practicing marriage and family therapy under qualified supervision as part of an accredited educational program or under a supervised postgraduate experience in marriage and family therapy required for licensure.

Sec. 3. Minnesota Statutes 2014, section 148F.13, subdivision 2, is amended to read:

Subd. 2. **Duty to warn; limitation on liability.** (a) Private information may be disclosed without the consent of the client when a duty to warn arises, or as otherwise provided by law or court order. The duty to warn of, or take reasonable precautions to provide protection from, violent behavior arises only when a client or other person has communicated to the provider a specific, serious threat of physical violence to self or a specific, clearly identified or identifiable potential victim. If a duty to warn arises, the duty is discharged by the provider if reasonable efforts are made to communicate the threat to law enforcement agencies, the potential victim, the family of the client, or appropriate third parties who are in a position to prevent or avert the harm. No monetary liability and no cause of action or disciplinary action by the board may arise against a provider for disclosure of confidences to third parties, for failure to disclose confidences to third parties, or for erroneous disclosure of confidences to third parties in a good faith effort to warn against or take precautions against a client's violent behavior or threat of suicide.

(b) For purposes of this subdivision, "provider" includes alcohol and drug counseling practicum students and individuals who are participating in a postdegree professional practice in alcohol and drug counseling."

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. 2414 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**SPECIAL ORDER**

**S.F. No. 2793:** A bill for an act relating to natural resources; providing for control of invasive species; modifying wild rice license requirements; providing for streamlined review of certain plans and regulations; modifying and providing civil penalties; requiring a report; amending Minnesota Statutes 2014, sections 17.4982, subdivision 18a; 84.027, subdivision 13; 84.091, subdivision 2; 84D.01, subdivision 2; 84D.05, subdivision 1; 84D.09, subdivision 2; 84D.10, subdivision 4; 84D.108, by adding a subdivision; 84D.13, subdivision 4; 116G.15, by adding a subdivision; Minnesota Statutes 2015 Supplement, sections 84.027, subdivision 13a; 84D.11, subdivision 1; 84D.13, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 84D.

Senator Brown moved to amend S.F. No. 2793 as follows:

Page 9, after line 12, insert:

"Sec. 16. **FISH HOOKING MORTALITY REPORT.**

By January 15, 2018, the commissioner of natural resources shall report to the legislative committees with jurisdiction over natural resource policy on catch-and-release fish hooking mortality. The report shall include an explanation of the methodology used to determine hooking mortality. As a part of the explanation, the commissioner shall re-examine the current methodology for determining hooking mortality and include recommendations for changes in the methodology, based on updated information and studies."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ingebrigtsen moved to amend S.F. No. 2793 as follows:

Page 8, after line 23, insert:

"Sec. 14. **[97C.008] NEW MUSKELLUNGE WATERS PROHIBITED.**

The commissioner of natural resources shall not introduce muskellunge to additional waters or stock muskellunge in waters not previously stocked with muskellunge.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Schmit questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Senator Gazelka moved to amend the Ingebrigtsen amendment to S.F. No. 2793 as follows:

Page 1, line 4, before "The" insert "Until August 1, 2020,"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Ingebrigtsen amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 2793 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:

Anderson	Eken	Johnson	Newman	Sheran
Bakk	Fischbach	Kent	Nienow	Skoe
Benson	Franzen	Kiffmeyer	Osmek	Sparks
Bonoff	Gazelka	Koenen	Pappas	Stumpf
Carlson	Goodwin	Latz	Pederson	Tomassoni
Clausen	Hann	Limmer	Pratt	Torres Ray
Cohen	Hawj	Lourey	Reinert	Westrom
Dahle	Hayden	Marty	Rest	Wiger
Dibble	Housley	Metzen	Saxhaug	Wiklund
Dziedzic	Ingebrigtsen	Miller	Scalze	
Eaton	Jensen	Nelson	Senjem	

Those who voted in the negative were:

Abeler	Dahms	Hoffman	Ruud	Thompson
Chamberlain	Hall	Rosen	Schmit	Weber

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

### SPECIAL ORDER

**S.F. No. 2857:** A bill for an act relating to human services; modifying the disability waiver rate system; amending Minnesota Statutes 2014, section 256B.0916, subdivision 8; repealing Laws 2015, chapter 71, article 7, section 56.

Senator Abeler moved to amend S.F. No. 2857 as follows:

Page 2, after line 22, insert:

**"Sec. 2. INSTRUCTION TO THE COMMISSIONER; DISABILITY WAIVER RATE SYSTEM RATE FLOOR PROPOSAL.**

The governor shall consider including in his budget for the Department of Human Services for the 2018-2019 biennium a proposal for establishing under Minnesota Statutes, section 256B.4914, rate floors for home and community-based waiver services after the end of the banding period as defined under Minnesota Statutes, section 256B.4913, subdivision 4a."

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. 2857 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**S.F. No. 2986:** A bill for an act relating to local government; authorizing cities to exempt land less than 20 acres from the fence-viewing process; authorizing cities to adopt fence policies; amending Minnesota Statutes 2014, sections 344.011; 344.20.

Senator Scalze moved to amend S.F. No. 2986 as follows:

Page 1, after line 10, insert:

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

The motion prevailed. So the amendment was adopted.

S.F. No. 2986 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Ingebrigtsen	Pappas	Sieben
Anderson	Eaton	Jensen	Pederson	Skoe
Bakk	Eken	Johnson	Pratt	Sparks
Benson	Fischbach	Kent	Reinert	Stumpf
Bonoff	Franzen	Koenen	Rest	Tomassoni
Carlson	Goodwin	Latz	Rosen	Torres Ray
Chamberlain	Hall	Lourey	Ruud	Weber
Clausen	Hann	Marty	Saxhaug	Wiger
Cohen	Hawj	Miller	Scalze	Wiklund
Dahle	Hayden	Nelson	Schmit	
Dahms	Hoffman	Newman	Senjem	
Dibble	Housley	Osmek	Sheran	

Those who voted in the negative were:

Gazelka	Limmer	Thompson
Kiffmeyer	Nienow	Westrom

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

### SPECIAL ORDER

**S.F. No. 2744:** A bill for an act relating to education; providing for early childhood and prekindergarten through grade 12 education, including general education, education excellence,

charter schools, special education, facilities and technology, and self-sufficiency and lifelong learning; teachers; early childhood; charter school recodification; amending Minnesota Statutes 2014, sections 120B.11, as amended; 120B.12, subdivisions 2, 3; 120B.15; 120B.30, by adding a subdivision; 120B.31, subdivision 5, by adding a subdivision; 120B.35, subdivisions 1, 2, 3; 120B.36, as amended; 122A.09, as amended; 122A.16; 122A.18, as amended; 122A.21, as amended; 122A.245, as amended; 122A.26, subdivision 2; 122A.31, subdivision 3; 122A.4144; 122A.416; 122A.72, subdivision 5; 122A.74, subdivision 1; 123A.24, subdivision 2; 123B.147, subdivision 3; 123B.52, subdivision 1; 123B.571, subdivision 2; 123B.60, subdivision 1; 123B.71, subdivision 8; 123B.79, subdivisions 5, 8, 9; 124D.03, subdivision 5a; 124D.09, subdivision 10; 124D.15, subdivisions 3a, 15; 124D.52, subdivisions 1, 2; 124D.861, as amended; 125A.091, subdivision 11; 125A.0942, subdivision 4; 126C.40, subdivision 5; 126C.63, subdivision 7; 127A.095; Minnesota Statutes 2015 Supplement, sections 120B.125; 120B.301; 122A.23; 122A.30; 122A.40, subdivision 8; 122A.41, subdivision 5; 122A.414, subdivisions 1, 2, 2b, 3; 122A.60, subdivisions 1, 4; 123B.53, subdivision 1; 123B.595, subdivisions 4, 7, 8, 9, 10, 11, by adding a subdivision; 124D.165, subdivision 2; 124D.231, subdivision 2; 124D.73, subdivision 4; 124E.01; 124E.02; 124E.03; 124E.05; 124E.06; 124E.07; 124E.08; 124E.10; 124E.12; 124E.13; 124E.15; 124E.16; 124E.17; 124E.22; 124E.24; 124E.25; 124E.26; 125A.08; 125A.0942, subdivision 3; 125A.63, subdivision 4; 126C.48, subdivision 8; 127A.05, subdivision 6; 136A.1791, subdivisions 1, 3; Laws 2015, First Special Session chapter 3, article 1, section 24; proposing coding for new law in Minnesota Statutes, chapters 120B; 123B; repealing Minnesota Statutes 2014, sections 120B.299, subdivision 5; 120B.35, subdivision 4; 122A.245, subdivision 8; 122A.413, subdivision 3; 122A.43, subdivision 6; 123B.06; 123B.60, subdivision 2; 123B.79, subdivisions 2, 6; 127A.51; Minnesota Statutes 2015 Supplement, section 122A.413, subdivisions 1, 2.

Senator Kent moved to amend S.F. No. 2744 as follows:

Page 50, after line 30, insert:

"Sec. 17. **[125B.27] STUDENT-USER PRIVACY IN EDUCATION RIGHTS.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision and section 13.32, subdivision 1, apply to this section.

(b) "Online educational service" means a Web site, online service or application, or mobile application that a student or the student's parent or legal guardian can access via the Internet for school purposes. Online educational service includes a cloud computing service.

(c) "Operator" means, to the extent it is operating in this capacity, a person who operates an online educational service with actual knowledge that it is used primarily for school purposes and was designed and marketed for these purposes. Operator includes a vendor.

(d) "Protected information" means materials or information that is linked to personally identifiable information or materials, in any media or format that is not publicly available; and

(1) is created or provided by a student or the student's parent or legal guardian to an operator in the course of the use of the operator's site, service, or application for school purposes;

(2) is created or provided by an employee or agent of the school to an operator in the course of the use of the operator's site, service, or application for school purposes; or

(3) is gathered by an operator through the operation of an online educational service and personally identifies a student, including, but not limited to, information in the student's educational record or e-mail, first and last name, home address, telephone number, e-mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile records, grades, evaluations, criminal records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

(e) "School purposes" means purposes that (1) are directed by or customarily take place at the direction of the school, teacher, or school district or aid in the administration of school activities, including instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents or legal guardians, or (2) are for the use and benefit of the school.

(f) "Student" means a student in prekindergarten through grade 12.

(g) "Vendor" means a person who enters into a contract with a school to provide an online educational service.

(h) "Targeted advertising" means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred over time from that student's online behavior, usage of applications, or covered information. It does not include advertising to a student at an online location based upon that student's current visit to that location, or in response to that student's request for information or feedback, without the retention of that student's online activities or requests over time for the purpose of targeting subsequent ads.

**Subd. 2. Prohibited activities; targeted advertising; creation of student profiles; sale or unauthorized disclosure of information.** (a) An operator must not engage in any of the following activities:

(1)(i) targeted advertising on the operator's online educational service; or

(ii) targeted advertising on any other site, service, or application when the targeting of the advertising is based upon information, including protected information and unique identifiers, that the operator has acquired or created because of the use of that operator's online educational service;

(2) gather, use, or share information, including persistent unique identifiers, acquired or created by the operator's online educational service, to create a profile about a student, except in furtherance of school purposes. "Create a profile" does not include the collection and retention of account information that remains under the control of the student, the student's parent or guardian, or kindergarten through grade 12 school;

(3) sell a student's information, including protected information. This prohibition does not apply to the purchase, merger, or other type of acquisition of an operator by another person, provided that the operator or successor continues to be subject to this section with respect to previously acquired student information or to national assessment providers if the provider secures the express written consent of the parent or student, given in response to clear and conspicuous notice, solely to provide access to employment, educational scholarships or financial aid, or postsecondary educational opportunities; or

(4) disclose protected information, unless the disclosure:

(i) is made in furtherance of the educational purpose of the site, service, or application, provided the recipient of the protected information must not further disclose the information unless done to allow or improve operability and functionality of the operator's online educational service;

(ii) is legally required to comply with subdivision 3;

(iii) is made to ensure legal and regulatory compliance, to respond to or participate in judicial process, or to protect the safety of users or others or the security or integrity of the site;

(iv) is for a school, educational, or employment purpose requested by the student or the student's parent or guardian, provided that the information is not used or further disclosed for any other purposes; or

(v) is made pursuant to a contract between the operator and a service provider. A contract must prohibit the service provider from using protected information for any purpose other than providing the contracted service to, or on behalf of, the operator; prohibit the service provider from disclosing protected information provided by the operator to third parties; and require the service provider to implement and maintain reasonable security procedures and practices as provided in subdivision 3.

(b) This subdivision does not prohibit the operator's use of information for maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application.

Subd. 3. **Security procedures and practices.** An operator shall:

(1) implement and maintain reasonable security procedures and practices appropriate to the nature of the protected information designed to protect that information from unauthorized access, destruction, use, modification, or disclosure; and

(2) delete a student's protected information within a reasonable period of time and in any case within 45 days if the school requests deletion of data under the control of the school.

Subd. 4. **Permissible disclosures.** Notwithstanding subdivision 2, paragraph (a), clause (4), an operator may use or disclose protected information of a student under the following circumstances:

(1) if other provisions of federal or state law require the operator to disclose the information and the operator complies with the requirements of federal or state law in protecting and disclosing that information;

(2) as long as no covered information is used for advertising or to create a profile on the student for purposes other than educational purposes, for legitimate research purposes:

(i) as required by state or federal law and subject to the restrictions under applicable law; or

(ii) as allowed by state or federal law and in furtherance of educational purposes or postsecondary educational purposes; and

(3) to a state or local educational agency, including schools and school districts, for school purposes as permitted by state or federal law.

Subd. 5. **Use of information by operator.** This section does not prohibit an operator from doing any of the following:

(1) using protected information within the operator's site, service, or application or other sites, services, or applications owned by the operator to improve educational products;

(2) using protected information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including marketing;

(3) sharing aggregate information that does not directly, indirectly, or in combination with other information identify a student for the development and improvement of educational sites, services, or applications;

(4) using recommendation engines to recommend to a student either of the following:

(i) additional content relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party; or

(ii) additional services relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party; or

(5) responding to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

Subd. 6. **Certain activities not affected.** (a) This section does not limit the authority of a law enforcement agency to obtain information from an operator as authorized by law or pursuant to a court order.

(b) This section does not limit the ability of an operator to use student information, including protected information, for adaptive learning or customized student learning purposes.

(c) This section does not apply to general audience Web sites, general audience online services, general audience online applications, or general audience mobile applications, even if log-in credentials created for an operator's online educational service may be used to access those general audience Web sites, services, or applications.

(d) This section does not limit Internet service providers from providing Internet connectivity to schools or students and their families.

(e) This section does not prohibit an operator of a Web site, online service, online application, or mobile application from the general marketing of educational products to parents or legal guardians so long as the marketing is not based on the use of protected information obtained by the operator through the provision of services governed by this section.

(f) This section does not impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on those applications or software.

(g) This section does not impose a duty on a provider of an interactive computer service, as defined in United States Code, title 47, section 230, to review or enforce compliance with this section by third-party content providers.

(h) This section does not impede the ability of students to download, transfer, export, or otherwise save or maintain their own data or documents."



Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Bonoff moved to amend S.F. No. 2744 as follows:

Page 68, line 21, delete "restricted" and insert "professional"

Page 68, line 22, after "(a)" insert "restricted"

The motion prevailed. So the amendment was adopted.

Senator Clausen moved to amend S.F. No. 2744 as follows:

Page 15, after line 13, insert:

"Sec. 18. Minnesota Statutes 2014, section 121A.61, subdivision 3, is amended to read:

Subd. 3. **Policy components.** The policy must include at least the following components:

- (a) rules governing student conduct and procedures for informing students of the rules;
- (b) the grounds for removal of a student from a class;
- (c) the authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;
- (d) the procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;
- (e) the period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;
- (f) provisions relating to the responsibility for and custody of a student removed from a class;
- (g) the procedures for return of a student to the specified class from which the student has been removed;
- (h) the procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;
- (i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;
- (j) any procedures determined appropriate for encouraging early detection of behavioral problems;
- (k) any procedures determined appropriate for referring a student in need of special education services to those services;
- (l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;

(m) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;

(n) the minimum consequences for violations of the code of conduct;

(o) procedures for immediate and appropriate interventions tied to violations of the code;

(p) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws; ~~and~~

(q) an agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; and

(r) a provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hoffman moved to amend S.F. No. 2744 as follows:

Page 83, line 16, delete everything after "effective" and insert "July 1, 2016."

Page 83, delete line 17

Page 98, after line 1, insert:

**"Sec. 22. EARLY CHILDHOOD FAMILY EDUCATION TEACHERS; ADULT BASIC EDUCATION TEACHERS.**

For the 2017-2018 and 2018-2019 school years, notwithstanding Minnesota Statutes, section 122A.40, subdivision 11, paragraph (b), for the purposes of unrequested leave of absence and reinstatement, a person teaching in an early childhood family education program or an adult basic education program may exercise seniority based on fields in which they are licensed, if the district and the exclusive representative of the teachers agree to allow these teachers to do so. In the absence of this agreement, such teachers are entitled to exercise seniority based on teaching assignment within the district.

**EFFECTIVE DATE.** This section is effective for the 2017-2018 and 2018-2019 school years only."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kiffmeyer moved to amend S.F. No. 2744 as follows:

Page 4, after line 2, insert:

"Section 1. Minnesota Statutes 2014, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. **Required academic standards.** (a) The following subject areas are required for statewide accountability:

(1) language arts;

(2) mathematics;

(3) science;

(4) social studies, including history, geography, economics, and government and citizenship that includes civics consistent with section 120B.237;

(5) physical education;

(6) health, for which locally developed academic standards apply; and

(7) the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

(b) For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education program team has determined that the required academic standards are inappropriate. An individualized education program team that makes this determination must establish alternative standards.

(c) District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

**EFFECTIVE DATE.** This section is effective for students enrolling in grade 9 in the 2017-2018 school year or later."

Page 9, after line 4, insert:

"Sec. 10. **[120B.237] CIVICS KNOWLEDGE AND UNDERSTANDING.**

(a) For purposes of this section, "civics test questions" means 50 of the 100 questions that, as of January 1, 2015, United States Citizenship and Immigration Services officers use to select the questions they pose to applicants for naturalization so the applicants can demonstrate their knowledge and understanding of the fundamentals of United States history and government, as required by United States Code, title 8, section 1423. The Learning Law and Democracy Foundation, in consultation with Minnesota civics teachers, must select by July 1 each year 50 of the 100 questions under this paragraph to serve as the state's civics test questions for the proximate school year and immediately transmit the 50 selected civics test questions to the Department of Education, which must post the 50 questions it receives on its Web site by August 1 of that year.

(b) School districts and charter schools may administer civics test questions as part of the social studies curriculum. A charter school or district may record on a student's transcript whether and when the student answered at least 30 of 50 civics test questions correctly.

(c) The commissioner and a public school must not charge students any fees related to this section.

**EFFECTIVE DATE.** This section is effective for students enrolling in grade 9 in the 2017-2018 school year or later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dahms moved to amend S.F. No. 2744 as follows:

Page 5, line 20, before "Consistent" insert "(a)"

Page 5, after line 30, insert:

"(b) Notwithstanding any law to the contrary, a district is not required to make any report to the commissioner except as provided under this section or as required by the commissioner in order to calculate district pupil units, revenues, aids, and levies.

**EFFECTIVE DATE.** Paragraph (b) of this section is effective July 1, 2016."

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

Senator Kiffmeyer moved to amend S.F. No. 2744 as follows:

Page 10, line 13, after the period, insert "A district may not impose an academic or other penalty upon a student who does not participate in standardized testing or any surveys."

The motion prevailed. So the amendment was adopted.

Senator Nienow moved to amend S.F. No. 2744 as follows:

Page 15, after line 13, insert:

"Sec. 18. **[121A.441] EXPULSION FOR ASSAULTING A TEACHER.**

(a) A school board must expel a student who assaults a teacher. The duration of the expulsion is at the discretion of the school board. "Assault" has the meaning given in section 128C.08, subdivision 1.

(b) A student expelled under this section cannot be placed in the classroom of the assaulted teacher unless the teacher agrees to the placement."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on S.F. No. 2744. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Nienow amendment.

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

Those who voted in the affirmative were:

Abeler	Gazelka	Limmer	Pederson	Weber
Anderson	Hall	Miller	Rest	Westrom
Benson	Hann	Nelson	Rosen	
Chamberlain	Housley	Newman	Ruud	
Dahms	Ingebrigtsen	Nienow	Senjem	
Fischbach	Kiffmeyer	Osmek	Thompson	

Those who voted in the negative were:

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

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

Senator Rosen moved to amend S.F. No. 2744 as follows:

Page 80, after line 2, insert:

"Sec. 9. Minnesota Statutes 2015 Supplement, section 122A.23, subdivision 2, is amended to read:

Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements of sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue a teaching license or a temporary teaching license under paragraphs (c) to (f) to an applicant who holds at least a baccalaureate degree from a regionally accredited college or university and holds or held an out-of-state teaching license that requires the applicant to successfully complete a teacher preparation program approved by the issuing state, which includes either (1) field-specific teaching methods, student teaching, or equivalent experience, or (2) at least two years of teaching experience as the teacher of record in a similar licensure field.

(b) The Board of Teaching may issue a standard license on the basis of teaching experience and examination requirements only.

(c) The Board of Teaching must issue a teaching license to an applicant who:

(1) successfully completed all exams and human relations preparation components required by the Board of Teaching; and

(2) holds or held an out-of-state teaching license to teach a similar content field and grade levels if the scope of the out-of-state license is no more than two grade levels less than a similar Minnesota license, and either (i) has completed field-specific teaching methods, student teaching, or equivalent

experience, or (ii) has at least two years of teaching experience as the teacher of record in a similar licensure field.

(d) The Board of Teaching must issue a professional five-year teaching license to an applicant who:

- (1) successfully completed all exams required by the Board of Teaching;
- (2) holds an out-of-state teaching license to teach in the same content field and grade levels as a Minnesota license; and
- (3) has had at least one full school year of teaching experience as a teacher of record in the licensure field during the last five years.

(e) The Board of Teaching, consistent with board rules and paragraph (i), must issue up to four one-year temporary teaching licenses to an applicant who holds or held an out-of-state teaching license to teach a similar content field and grade levels, where the scope of the out-of-state license is no more than two grade levels less than a similar Minnesota license, but has not successfully completed all exams and human relations preparation components required by the Board of Teaching.

~~(e)~~ (f) The Board of Teaching, consistent with board rules, must issue up to four one-year temporary teaching licenses to an applicant who:

- (1) successfully completed all exams and human relations preparation components required by the Board of Teaching; and
- (2) holds or held an out-of-state teaching license to teach a similar content field and grade levels, where the scope of the out-of-state license is no more than two grade levels less than a similar Minnesota license, but has not completed field-specific teaching methods or student teaching or equivalent experience.

The applicant may complete field-specific teaching methods and student teaching or equivalent experience by successfully participating in a one-year school district mentorship program consistent with board-adopted standards of effective practice and Minnesota graduation requirements.

~~(f)~~ (g) The Board of Teaching must issue a restricted teaching license for only in the content field or grade levels specified in the out-of-state license to an applicant who:

- (1) successfully completed all exams and human relations preparation components required by the Board of Teaching; and
- (2) holds or held an out-of-state teaching license where the out-of-state license is more limited in the content field or grade levels than a similar Minnesota license.

~~(g)~~ (h) The Board of Teaching may issue a two-year limited provisional license to an applicant under this subdivision to teach in a shortage area, consistent with section 122A.18, subdivision 4a.

~~(h)~~ (i) The Board of Teaching may issue a license under this subdivision if the applicant has attained the additional degrees, credentials, or licenses required in a particular licensure field and the applicant can demonstrate competency by obtaining qualifying scores on the board-adopted skills examination in reading, writing, and mathematics, and on applicable board-adopted rigorous content area and pedagogy examinations under section 122A.09, subdivision 4, paragraphs (a) and (e).

(i) (j) The Board of Teaching must require an applicant for a teaching license or a temporary teaching license under this subdivision to pass a board-adopted skills examination in reading, writing, and mathematics before the board issues the license unless, notwithstanding other provisions of this subdivision, an applicable board-approved National Association of State Directors of Teacher Education and Certification interstate reciprocity agreement exists to allow fully certified teachers from other states to transfer their certification to Minnesota."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 27, as follows:

Those who voted in the affirmative were:

Abeler	Fischbach	Kiffmeyer	Osmek	Schmit
Anderson	Gazelka	Latz	Pappas	Senjem
Benson	Hall	Limmer	Pederson	Skoe
Bonoff	Hann	Miller	Pratt	Sparks
Chamberlain	Housley	Nelson	Rest	Thompson
Dahms	Ingebrigtsen	Newman	Rosen	Weber
Eken	Jensen	Nienow	Ruud	Westrom

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Saxhaug	Torres Ray
Carlson	Eaton	Kent	Scalze	Wiger
Clausen	Franzen	Koenen	Sheran	Wiklund
Cohen	Goodwin	Lourey	Sieben	
Dahle	Hawj	Marty	Stumpf	
Dibble	Hoffman	Reinert	Tomassoni	

The motion prevailed. So the amendment was adopted.

Senator Nienow moved to amend S.F. No. 2744 as follows:

Page 15, after line 13, insert:

"Sec. 18. **[121A.24] STUDENT SURVEY PRIVACY AND PARENTAL INVOLVEMENT.**

Unless a school district obtains prior written informed consent of the parent or legal guardian of a minor or dependent child, a district shall not administer or permit to be administered to a student, and a student shall not participate in, a survey, questionnaire, assessment, analysis, evaluation, or similar instrument that solicits information concerning:

- (1) political affiliations or beliefs;
- (2) mental or psychological problems;
- (3) sexual behavior or attitudes;
- (4) illegal, antisocial, self-incriminating, or demeaning behavior;
- (5) critical appraisals of another individual with whom a student has a close family relationship;
- (6) legally recognized privileged or analogous relationships, such as those with a lawyer, physician, or minister;

(7) religious practices, affiliations, or beliefs; or

(8) income or other income-related information.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Fischbach	Jensen	Osmek	Thompson
Anderson	Gazelka	Kiffmeyer	Pederson	Weber
Benson	Hall	Limmer	Pratt	Westrom
Chamberlain	Hann	Miller	Rosen	
Dahms	Housley	Newman	Ruud	
Eken	Ingebrigtsen	Nienow	Senjem	

Those who voted in the negative were:

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

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

Senator Hann moved to amend S.F. No. 2744 as follows:

Page 5, line 4, after "Act" insert ", and to publish on the district's Web site, for each school site in the district, the number of inexperienced teachers, ineffective teachers, and out-of-field teachers employed by the district"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Nienow	Senjem
Benson	Gazelka	Kiffmeyer	Osmek	Thompson
Chamberlain	Hall	Limmer	Pederson	Weber
Dahms	Hann	Newman	Pratt	Westrom

Those who voted in the negative were:

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



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

S.F. No. 2744 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 51 and nays 9, as follows:

Those who voted in the affirmative were:

Abeler	Fischbach	Koenen	Reinert	Sparks
Bakk	Gazelka	Latz	Rest	Tomassoni
Carlson	Goodwin	Limmer	Rosen	Torres Ray
Clausen	Hawj	Lourey	Ruud	Weber
Cohen	Hayden	Marty	Saxhaug	Westrom
Dahle	Hoffman	Miller	Scalze	Wiger
Dahms	Housley	Nelson	Schmit	Wiklund
Dibble	Ingebrigtsen	Nienow	Senjem	
Dziedzic	Jensen	Pappas	Sheran	
Eaton	Johnson	Pederson	Sieben	
Eken	Kent	Pratt	Skoe	

Those who voted in the negative were:

Anderson	Chamberlain	Hann	Newman	Thompson
Benson	Hall	Kiffmeyer	Osmek	

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

### RECONSIDERATION

Having voted on the prevailing side, Senator Bakk moved that the vote whereby S.F. No. 2744 was passed by the Senate on April 27, 2016, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 2744 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 51 and nays 9, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Johnson	Pederson	Skoe
Bakk	Fischbach	Kent	Pratt	Tomassoni
Bonoff	Franzen	Koenen	Reinert	Torres Ray
Carlson	Gazelka	Latz	Rest	Weber
Clausen	Goodwin	Limmer	Rosen	Westrom
Cohen	Hawj	Lourey	Ruud	Wiger
Dahle	Hayden	Marty	Scalze	Wiklund
Dahms	Hoffman	Miller	Schmit	
Dibble	Housley	Nelson	Senjem	
Dziedzic	Ingebrigtsen	Nienow	Sheran	
Eaton	Jensen	Pappas	Sieben	

Those who voted in the negative were:

Anderson	Chamberlain	Hann	Newman	Thompson
Benson	Hall	Kiffmeyer	Osmek	

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

**MEMBERS EXCUSED**

Senators Champion and Ortman were excused from the Session of today. Senator Lourey was excused from the Session of today from 1:30 to 3:00 p.m. Senator Rosen was excused from the Session of today from 1:30 to 3:05 p.m. Senator Limmer was excused from the Session of today from 2:45 to 3:00 p.m. Senator Rest was excused from the Session of today from 2:55 to 3:05 p.m. Senator Sieben was excused from the Session of today from 3:15 to 4:20 p.m. Senator Brown was excused from the Session of today at 3:50 p.m. Senator Metzen was excused from the Session of today at 4:20 p.m. Senator Sheran was excused from the Session of today from 5:15 to 6:00 p.m. Senator Hayden was excused from the Session of today from 6:05 to 6:15 p.m. Senator Stumpf was excused from the Session of today at 6:30 p.m. Senators Saxhaug and Sparks were excused from the Session of today at 6:50 p.m.

**ADJOURNMENT**

Senator Bakk moved that the Senate do now adjourn until 8:30 a.m., Thursday, April 28, 2016. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate