

## FIFTY-SIXTH DAY

St. Paul, Minnesota, Tuesday, May 10, 2005

The Senate met at 8:30 a.m. and was called to order by the President.

### CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Michael J. Jungbauer.

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

Anderson	Gaither	Langseth	Nienow	Saxhaug
Bachmann	Gerlach	Larson	Olson	Scheid
Bakk	Hann	LeClair	Ortman	Senjem
Belanger	Higgins	Limmer	Ourada	Skoe
Berglin	Hottinger	Lourey	Pappas	Skoglund
Betzold	Johnson, D.E.	Marko	Pariseau	Solon
Cohen	Jungbauer	Marty	Pogemiller	Sparks
Day	Kelley	McGinn	Ranum	Stumpf
Dibble	Kierlin	Metzen	Reiter	Tomassoni
Dille	Kiscaden	Michel	Rest	Vickerman
Fischbach	Kleis	Moua	Robling	Wergin
Foley	Koering	Murphy	Rosen	Wiger
Frederickson	Kubly	Neuville	Ruud	

The President declared a quorum present.

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 493 and 1095.

Albin A. Mathiowetz, Chief Clerk, House of Representatives  
Returned May 9, 2005

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 732, 949, 419, 1461, 2035, 1164, 1583, 1809, 1669, 1949 and 1595.

Albin A. Mathiowetz, Chief Clerk, House of Representatives  
Transmitted May 9, 2005

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time and referred as indicated.

**H.F. No. 732:** A bill for an act relating to local government; authorizing electric or utility special assessments exceeding standards on petition of all affected owners; amending Minnesota Statutes 2004, section 429.021, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 527, now on General Orders.

**H.F. No. 949:** A bill for an act relating to health; increasing consumer protection for hearing aid users; amending Minnesota Statutes 2004, sections 153A.15, subdivision 1; 153A.19, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 988, now on General Orders.

**H.F. No. 419:** A bill for an act relating to game and fish; modifying protection status of great horned owls; amending Minnesota Statutes 2004, sections 97A.015, subdivision 52; 97B.701, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 628, now on General Orders.

**H.F. No. 1461:** A bill for an act relating to motor vehicles; modifying and simplifying provisions related to parking for persons with disabilities; making technical and clarifying changes; amending Minnesota Statutes 2004, sections 85.052, subdivision 3; 85.053, subdivision 7; 168.011, subdivision 4, by adding a subdivision; 168.021; 168.33, subdivision 8; 169.345; 169.346, subdivisions 1, 2, 2a, 3.

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

**H.F. No. 2035:** A bill for an act relating to motor vehicles; authorizing commissioner of public safety to remove from department records certain old liens on passenger automobiles; amending Minnesota Statutes 2004, section 168A.20, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1989.

**H.F. No. 1164:** A bill for an act relating to traffic regulations; modifying provision governing the passing of a parked emergency vehicle; providing eligibility criteria for business panels on logo sign panels; amending Minnesota Statutes 2004, sections 160.80, subdivision 1a; 169.18, subdivision 11.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1388, now on General Orders.

**H.F. No. 1583:** A bill for an act relating to consumer protection; regulating membership travel contracts; amending Minnesota Statutes 2004, sections 325G.50; 325G.505, subdivision 3; 325G.51; proposing coding for new law in Minnesota Statutes, chapter 325G.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 794, now on General Orders.

**H.F. No. 1809:** A bill for an act relating to insurance; regulating agency terminations, coverages, fees, forms, disclosures, reports, information security, and premiums; amending Minnesota Statutes 2004, sections 60A.14, subdivision 1; 60A.171, subdivision 11; 60A.23, subdivision 8; 60A.966; 60A.969; 62A.136; 62A.31, subdivision 1h; 62A.315; 62A.316; 62E.12; 62E.13, subdivision 2; 62Q.471; 62Q.65; 65A.29, subdivision 11; 65B.48, subdivision 3; 72A.20, subdivisions 13, 36; 79.211, by adding a subdivision; 79.40; 79.56, subdivisions 1, 3; 79.62,

subdivision 3; 79A.03, subdivision 9; 79A.04, subdivisions 2, 10; 79A.06, subdivision 5; 79A.12, subdivision 2; 79A.22, subdivision 11, by adding a subdivision; 123A.21, by adding a subdivision; 176.191, subdivision 3; Laws 1985, chapter 85, section 1; proposing coding for new law in Minnesota Statutes, chapters 60A; 60D; 65A; 65B; repealing Minnesota Statutes 2004, sections 61A.072, subdivision 2; 62E.03.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1783, now on General Orders.

**H.F. No. 1669:** A bill for an act relating to insurance; regulating certain fees, rate filings, and policy renewals and alterations; regulating the collection of certain information; amending Minnesota Statutes 2004, sections 60A.08, subdivision 3; 60A.14, subdivision 1; 60A.171, subdivisions 1, 2; 60A.351; 60K.46, subdivision 7; 61A.02, subdivision 2, by adding a subdivision; 62A.02, subdivision 1; 70A.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 2004, section 60A.171, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1462, now on General Orders.

**H.F. No. 1949:** A bill for an act relating to local government; authorizing Stearns, Benton, and Sherburne County Boards to initiate a process for the change of county boundaries by resolution.

Referred to the Committee on State and Local Government Operations.

**H.F. No. 1595:** A bill for an act relating to Hennepin and Wright Counties; authorizing the Hennepin County Board and the Wright County Board to initiate a process for the change of county boundaries by resolution.

Referred to the Committee on State and Local Government Operations.

## REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2028** 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.
2028	1929				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2028 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2028 and insert the language after the enacting clause of S.F. No. 1929; further, delete the title of H.F. No. 2028 and insert the title of S.F. No. 1929.

And when so amended H.F. No. 2028 will be identical to S.F. No. 1929, and further recommends that H.F. No. 2028 be given its second reading and substituted for S.F. No. 1929, 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 Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 987** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
987	899				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 987 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 987 and insert the language after the enacting clause of S.F. No. 899, the first engrossment; further, delete the title of H.F. No. 987 and insert the title of S.F. No. 899, the first engrossment.

And when so amended H.F. No. 987 will be identical to S.F. No. 899, and further recommends that H.F. No. 987 be given its second reading and substituted for S.F. No. 899, 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. 2028 and 987 were read the second time.

## **MOTIONS AND RESOLUTIONS**

Senator Limmer moved that the name of Senator LeClair be added as a co-author to S.F. No. 1455. The motion prevailed.

Senator Scheid moved that the name of Senator LeClair be added as a co-author to S.F. No. 2293. The motion prevailed.

### **Senators Dille, Betzold, Hann, Frederickson and Moua introduced--**

**Senate Resolution No. 97:** A Senate resolution recognizing the flag of the Republic of Vietnam as the official symbol of the Vietnamese American Community of Minnesota.

Referred to the Committee on Rules and Administration.

Senator Kiscaden moved that S.F. No. 1090, No. 79 on General Orders, be stricken and re-referred to the Committee on Crime Prevention and Public Safety. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

## **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time and referred to the committees indicated.

### **Senator Kubly introduced--**

**S.F. No. 2294:** A bill for an act relating to commerce; adopting the Country of Origin Labeling Act; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 31C.

Referred to the Committee on Commerce.

**Senators Kubly, Sams, Langseth, Lourey and Vickerman introduced--**

**S.F. No. 2295:** A bill for an act relating to state procurement; providing that a preference must be awarded to certain small businesses for purchase of state vehicles; amending Minnesota Statutes 2004, section 16C.16, subdivision 7.

Referred to the Committee on State and Local Government Operations.

**Senators Metzen, Marko, Pappas, Pariseau and Senjem introduced--**

**S.F. No. 2296:** A bill for an act relating to transportation; appropriating money and authorizing bonds for the Robert Street Corridor Transit Way study and design.

Referred to the Committee on Finance.

**Senators Kelley; Johnson, D.E.; Day; Higgins and Senjem introduced--**

**S.F. No. 2297:** A bill for an act relating to state and local government operations; providing a process for developing a new baseball stadium; establishing a metropolitan stadium authority; providing for the membership and powers of the authority; authorizing the Metropolitan Council to issue bonds; providing powers of the host communities; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2004, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

Referred to the Committee on State and Local Government Operations.

**RECESS**

Senator Johnson, D.E. moved that the Senate do now recess until 9:30 a.m. The motion prevailed.

The hour of 9:30 a.m. having arrived, the President called the Senate to order.

**CALL OF THE SENATE**

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

**APPOINTMENTS**

Senator Johnson, D.E. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1385: Senator Cohen replaces Senator Solon.

H.F. No. 1422: Senator Solon replaces Senator Kubly.

Senator Johnson, D.E. moved that the foregoing appointments be approved. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**CONSENT CALENDAR**

**S.F. No. 540:** A bill for an act relating to human services; authorizing a long-term care partnership program; modifying medical assistance eligibility requirements under certain circumstances; defining approved long-term care insurance policies; limiting medical assistance estate recovery under certain circumstances; providing implementation options; proposing coding for new law in Minnesota Statutes, chapter 256B.

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:

Anderson	Gerlach	Langseth	Neuville	Ruud
Bachmann	Hann	Larson	Nienow	Saxhaug
Bakk	Higgins	LeClair	Olson	Scheid
Belanger	Hottinger	Limmer	Ortman	Senjem
Berglin	Johnson, D.E.	Lourey	Ourada	Skoe
Betzold	Jungbauer	Marko	Pappas	Skoglund
Cohen	Kelley	Marty	Pogemiller	Solon
Day	Kierlin	McGinn	Ranum	Sparks
Dibble	Kiscaden	Metzen	Reiter	Stumpf
Fischbach	Kleis	Michel	Rest	Tomassoni
Foley	Koering	Moua	Robling	Vickerman
Gaither	Kubly	Murphy	Rosen	Wiger

So the bill passed and its title was agreed to.

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

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

H.F. Nos. 1692, 1333, S.F. No. 333, H.F. Nos. 68, 487 and 42.

**SPECIAL ORDER**

**H.F. No. 1692:** A bill for an act relating to state government; regulating compensation plans of the State Board of Investment; amending Minnesota Statutes 2004, sections 11A.04; 11A.07, subdivision 4; 15A.0815, subdivision 2; 43A.18, 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 51 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lourey	Ourada	Skoglund
Bakk	Johnson, D.E.	Marko	Pappas	Solon
Belanger	Jungbauer	Marty	Pogemiller	Sparks
Berglin	Kelley	McGinn	Ranum	Stumpf
Betzold	Kierlin	Metzen	Rest	Tomassoni
Cohen	Kiscaden	Michel	Robling	Vickerman
Day	Koering	Moua	Rosen	Wiger
Dibble	Kubly	Murphy	Saxhaug	
Foley	Langseth	Neuville	Scheid	
Frederickson	Larson	Nienow	Senjem	
Higgins	Limmer	Ortman	Skoe	

Those who voted in the negative were:

Bachmann	Gaither	Kleis	Olson	Ruud
Dille	Gerlach	LeClair	Reiter	Wergin
Fischbach	Hann			

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1333:** A bill for an act relating to local government; permitting the city of Wabasha to establish a port authority commission; proposing coding for new law in Minnesota Statutes, chapter 469.

Senator Kubly moved to amend H.F. No. 1333 as follows:

Page 2, after line 2, insert:

"Sec. 2. [469.0856] [ORTONVILLE.]

The city of Ortonville may establish a port authority commission that has the same powers as a port authority established under section 469.049 or other law. If the city establishes a port authority commission, the city shall exercise all the powers relating to the port authority granted to a city by sections 469.048 to 469.068 or other law. Notwithstanding any law to the contrary, the city may choose the name of the commission.

[EFFECTIVE DATE.] This section is effective the day after the governing body of the city of Ortonville and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Amend the title as follows:

Page 1, line 2, delete "city" and insert "cities"

Page 1, line 3, after "Wabasha" insert "and Ortonville"

The motion prevailed. So the amendment was adopted.

H.F. No. 1333 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 59 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Day	Gerlach	Kierlin	LeClair
Bachmann	Dibble	Hann	Kiscaden	Limmer
Bakk	Dille	Higgins	Kleis	Lourey
Belanger	Fischbach	Hottinger	Koering	Marko
Berglin	Foley	Johnson, D.E.	Kubly	McGinn
Betzold	Frederickson	Jungbauer	Langseth	Metzen
Cohen	Gaither	Kelley	Larson	Michel

Moua	Ourada	Rosen	Skoe	Tomassoni
Murphy	Pappas	Ruud	Skoglund	Vickerman
Neuville	Ranum	Saxhaug	Solon	Wergin
Olson	Rest	Scheid	Sparks	Wiger
Ortman	Robling	Senjem	Stumpf	

Those who voted in the negative were:

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

### SPECIAL ORDER

**S.F. No. 333:** A bill for an act relating to agriculture; exempting certain farm labor housing from regulation as manufactured home park; amending Minnesota Statutes 2004, section 327.23, 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 57 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Ortman	Senjem
Bachmann	Gaither	Langseth	Ourada	Skoe
Bakk	Gerlach	Larson	Pappas	Skoglund
Belanger	Hann	LeClair	Pogemiller	Sparks
Berglin	Hottinger	Limmer	Ranum	Stumpf
Betzold	Johnson, D.E.	McGinn	Reiter	Tomassoni
Cohen	Jungbauer	Metzen	Rest	Vickerman
Day	Kelley	Michel	Robling	Wergin
Dibble	Kierlin	Murphy	Rosen	Wiger
Dille	Kiscaden	Neuville	Ruud	
Fischbach	Kleis	Nienow	Saxhaug	
Foley	Koering	Olson	Scheid	

Those who voted in the negative were:

Lourey	Marko	Marty	Solon
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So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 68:** A bill for an act relating to education; providing for opportunity to respond to nonrenewal of certain coaching contracts; amending Minnesota Statutes 2004, section 122A.33.

Senator Dille moved that H.F. No. 68 be laid on the table. The motion prevailed.

### SPECIAL ORDER

**H.F. No. 487:** A bill for an act relating to state government; changing terminology for mentally retarded, mental retardation, physically handicapped, and similar terms.

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:

Anderson	Frederickson	Koering	Murphy	Rosen
Bachmann	Gaither	Kubly	Neuville	Ruud
Bakk	Gerlach	Larson	Nienow	Saxhaug
Belanger	Hann	LeClair	Olson	Senjem
Berglin	Higgins	Limmer	Ortman	Skoe
Betzold	Hottinger	Lourey	Ourada	Skoglund
Cohen	Johnson, D.E.	Marko	Pappas	Solon
Day	Jungbauer	Marty	Pogemiller	Sparks
Dibble	Kelley	McGinn	Ranum	Stumpf
Dille	Kierlin	Metzen	Reiter	Tomassoni
Fischbach	Kiscaden	Michel	Rest	Vickerman
Foley	Kleis	Moua	Robling	Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 42:** A bill for an act relating to firearms; authorizing the use of silencers to muffle discharges of firearms for natural resource wildlife control; amending Minnesota Statutes 2004, section 609.66, subdivisions 1h, 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 59 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Neuville	Saxhaug
Bachmann	Gerlach	Larson	Olson	Senjem
Bakk	Hann	LeClair	Ortman	Skoe
Belanger	Higgins	Limmer	Ourada	Skoglund
Berglin	Hottinger	Lourey	Pappas	Solon
Betzold	Johnson, D.E.	Marko	Pogemiller	Sparks
Cohen	Jungbauer	Marty	Ranum	Stumpf
Day	Kelley	McGinn	Reiter	Tomassoni
Dibble	Kierlin	Metzen	Rest	Vickerman
Dille	Kiscaden	Michel	Robling	Wergin
Fischbach	Kleis	Moua	Rosen	Wiger
Frederickson	Koering	Murphy	Ruud	

Those who voted in the negative were:

Foley	Nienow
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So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Dille moved that H.F. No. 68 be taken from the table. The motion prevailed.

**H.F. No. 68:** A bill for an act relating to education; providing for opportunity to respond to nonrenewal of certain coaching contracts; amending Minnesota Statutes 2004, section 122A.33.

Senator Dille moved that the amendment made to H.F. No. 68 by the Committee on Rules and Administration in the report adopted May 4, 2005, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 68 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 4, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Nienow	Saxhaug
Bachmann	Frederickson	Larson	Olson	Senjem
Bakk	Hann	Lourey	Ortman	Skoe
Belanger	Hottinger	Marko	Ourada	Skoglund
Berglin	Johnson, D.E.	Marty	Pappas	Solon
Betzold	Jungbauer	McGinn	Pogemiller	Sparks
Cohen	Kelley	Metzen	Ranum	Stumpf
Day	Kierlin	Michel	Reiter	Tomassoni
Dibble	Kiscaden	Moua	Rest	Vickerman
Dille	Kleis	Murphy	Robling	Wergin
Fischbach	Koering	Neuville	Rosen	Wiger

Those who voted in the negative were:

Gaither	Gerlach	LeClair	Limmer
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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 Orders of Business of Messages From the House, Reports of Committees and Second Reading of Senate Bills.

### MESSAGES FROM THE HOUSE

Mr. President:

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

**S.F. No. 1146:** A bill for an act relating to agriculture; clarifying the county agricultural society exemption from local zoning ordinances; amending Minnesota Statutes 2004, sections 38.01; 38.16.

Senate File No. 1146 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 9, 2005

### CONCURRENCE AND REPASSAGE

Senator Vickerman moved that the Senate concur in the amendments by the House to S.F. No. 1146 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1146 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson	Belanger	Cohen	Dille	Frederickson
Bachmann	Berglin	Day	Fischbach	Gaither
Bakk	Betzold	Dibble	Foley	Gerlach

Hann	Kubly	Michel	Pogemiller	Skoe
Hottinger	Larson	Moua	Ranum	Skoglund
Johnson, D.E.	LeClair	Murphy	Reiter	Solon
Jungbauer	Limmer	Neuville	Rest	Sparks
Kelley	Lourey	Nienow	Robling	Stumpf
Kierlin	Marko	Olson	Rosen	Tomassoni
Kiscaden	Marty	Ortman	Ruud	Vickerman
Kleis	McGinn	Ourada	Saxhaug	Wergin
Koering	Metzen	Pappas	Senjem	Wiger

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

### REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

#### Senator Cohen from the Committee on Finance, to which was referred

**S.F. No. 2289:** A bill for an act relating to state government; eliminating certain unclassified positions; reducing appropriations; amending Minnesota Statutes 2004, sections 15.06, subdivision 8; 16B.03; 43A.03, subdivision 3; 43A.08, subdivision 1; 45.013; 84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035, subdivision 4; 174.02, subdivision 2; 241.01, subdivision 2; repealing Minnesota Statutes 2004, sections 43A.03, subdivision 4; 43A.08, subdivisions 1a, 1b.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

**S.F. No. 290:** A bill for an act relating to elections; setting standards for and providing for the acquisition of voting systems; appropriating money from the Help America Vote Act account; amending Minnesota Statutes 2004, section 206.80; proposing coding for new law in Minnesota Statutes, chapter 206.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 201.022, is amended by adding a subdivision to read:

Subd. 3. [CONSULTATION WITH LOCAL OFFICIALS.] The secretary of state must consult with representatives of local election officials in the development of the statewide voter registration system.

Sec. 2. Minnesota Statutes 2004, section 206.56, is amended by adding a subdivision to read:

Subd. 1a. [ASSISTIVE VOTING TECHNOLOGY.] "Assistive voting technology" means touch-activated screen, buttons, keypad, sip-and-puff input device, keyboard, earphones, or any other device used with an electronic ballot marker that assists voters to use an audio or electronic ballot display in order to cast votes.

Sec. 3. Minnesota Statutes 2004, section 206.56, is amended by adding a subdivision to read:

Subd. 1b. [AUDIO BALLOT READER.] "Audio ballot reader" means an audio representation of a ballot that can be used with other assistive voting technology to permit a voter to mark votes on a nonelectronic ballot or to transmit a ballot electronically to automatic tabulating equipment.

Sec. 4. Minnesota Statutes 2004, section 206.56, subdivision 2, is amended to read:

Subd. 2. [AUTOMATIC TABULATING EQUIPMENT.] "Automatic tabulating equipment" includes apparatus machines, resident firmware, and programmable memory units necessary to automatically examine and count votes designated on a ballot cards, and data processing machines which can be used for counting ballots and tabulating results.

Sec. 5. Minnesota Statutes 2004, section 206.56, subdivision 3, is amended to read:

Subd. 3. [BALLOT.] "Ballot" includes ballot cards and paper ballots; ballot cards; the paper ballot marked by an electronic marking device; and an electronic record of each vote choice made by a voter at an election and transmitted electronically to automatic tabulating equipment.

Sec. 6. Minnesota Statutes 2004, section 206.56, subdivision 7, is amended to read:

Subd. 7. [COUNTING CENTER.] "Counting center" means a place selected by the governing body of a municipality where an a central count electronic voting system is used for the automatic processing and counting of ballots.

Sec. 7. Minnesota Statutes 2004, section 206.56, is amended by adding a subdivision to read:

Subd. 7a. [ELECTRONIC BALLOT DISPLAY.] "Electronic ballot display" means a graphic representation of a ballot on a computer monitor or screen on which a voter may make vote choices for candidates and questions for the purpose of marking a nonelectronic ballot or transmitting an electronic ballot.

Sec. 8. Minnesota Statutes 2004, section 206.56, is amended by adding a subdivision to read:

Subd. 7b. [ELECTRONIC BALLOT MARKER.] "Electronic ballot marker" means equipment that is part of an electronic voting system that uses an electronic ballot display or audio ballot reader to:

- (1) mark a nonelectronic ballot with votes selected by a voter; or
- (2) transmit a ballot electronically to automatic tabulating equipment.

Sec. 9. Minnesota Statutes 2004, section 206.56, subdivision 8, is amended to read:

Subd. 8. [ELECTRONIC VOTING SYSTEM.] "Electronic voting system" means a system in which the voter records votes by means of marking or transmitting a ballot, which is designed so that votes may be counted by automatic tabulating equipment in the precinct or polling place where the ballot is cast or at a counting center.

An electronic voting system includes automatic tabulating equipment; nonelectronic ballot markers; electronic ballot markers, including electronic ballot display, audio ballot reader, and devices by which the voter will register the voter's voting intent; software used to program automatic tabulators and layout ballots; computer programs used to accumulate precinct results; ballots; secrecy folders; system documentation; and system testing results.

Sec. 10. Minnesota Statutes 2004, section 206.56, subdivision 9, is amended to read:

Subd. 9. [MANUAL MARKING DEVICE.] "Manual marking device" means any approved device for directly marking a ballot by hand with ink, pencil, or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.

Sec. 11. Minnesota Statutes 2004, section 206.57, subdivision 1, is amended to read:

Subdivision 1. [EXAMINATION AND REPORT BY SECRETARY OF STATE; APPROVAL.] A vendor of an electronic voting system may apply to the secretary of state to examine the system and to report as to its compliance with the requirements of law and as to its accuracy, durability, efficiency, and capacity to register the will of voters. The secretary of state or a designee shall examine the system submitted and file a report on it in the Office of the Secretary of State. Examination is not required of every individual machine or counting device, but only of each type of electronic voting system before its adoption, use, or purchase and before its continued

use after significant changes have been made in an approved system. The examination must include the ballot programming; electronic ballot marking, including all assistive technologies intended to be used with the system; vote counting; and vote accumulation functions of each voting system.

If the report of the secretary of state or the secretary's designee concludes that the kind of system examined complies with the requirements of sections 206.55 to 206.90 and can be used safely, the system shall be deemed approved by the secretary of state, and may be adopted and purchased for use at elections in this state. A voting system not approved by the secretary of state may not be used at an election in this state. The secretary of state may adopt permanent rules consistent with sections 206.55 to 206.90 relating to the examination and use of electronic voting systems.

Sec. 12. Minnesota Statutes 2004, section 206.57, subdivision 5, is amended to read:

Subd. 5. [VOTING SYSTEM FOR DISABLED VOTERS.] In federal and state elections held after December 31, 2005, and in county, municipal, and school district elections held after December 31, 2006, the voting method used in each polling place must include a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Sec. 13. Minnesota Statutes 2004, section 206.61, subdivision 4, is amended to read:

Subd. 4. [ORDER OF CANDIDATES.] On the "State Partisan Primary Ballot" prepared for primary elections, and on the white ballot prepared for the general election, the order of the names of nominees or names of candidates for election shall be the same as required for paper ballots. More than one column or row may be used for the same office or party. Electronic ballot display and audio ballot readers must conform to the candidate order on the optical scan ballot used in the precinct.

Sec. 14. Minnesota Statutes 2004, section 206.61, subdivision 5, is amended to read:

Subd. 5. [ALTERNATION.] The provisions of the election laws requiring the alternation of names of candidates must be observed as far as practicable by changing the order of the names on an electronic voting system in the various precincts so that each name appears on the machines or marking devices used in a municipality substantially an equal number of times in the first, last, and in each intermediate place in the list or group in which they belong. However, the arrangement of candidates' names must be the same on all voting systems used in the same precinct. If the number of names to be alternated exceeds the number of precincts, the election official responsible for providing the ballots, in accordance with subdivision 1, shall determine by lot the alternation of names.

If an electronic ballot marker is used with a paper ballot that is not an optical scan ballot card, the manner of alternation of candidate names on the paper ballot must be as prescribed for optical scan ballots in this subdivision. If a machine is used to transmit a ballot electronically to automatic tabulating equipment, the manner of alternation of candidate names on the transmitting machine must be as prescribed for optical scan ballots in this subdivision.

Sec. 15. Minnesota Statutes 2004, section 206.80, is amended to read:

206.80 [ELECTRONIC VOTING SYSTEMS.]

(a) An electronic voting system may not be employed unless it:

- (1) permits every voter to vote in secret;
- (2) permits every voter to vote for all candidates and questions for whom or upon which the voter is legally entitled to vote;
- (3) provides for write-in voting when authorized;

(4) automatically rejects by means of the automatic tabulating equipment, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;

(5) permits a voter at a primary election to select secretly the party for which the voter wishes to vote; and

(6) automatically rejects, by means of the automatic tabulating equipment, all votes cast in a primary election by a voter when the voter votes for candidates of more than one party; and

(7) provides every voter an opportunity to verify votes electronically and to change votes or correct any error before the voter's ballot is cast and counted, produces a permanent paper record of the ballot cast by the voter, and preserves the paper record as an official record available for use in any recount.

(b) An electronic voting system purchased on or after the effective date of this section may not be employed unless it:

(1) accepts and tabulates, in the precinct or at a counting center, a marked optical scan ballot;

(2) creates a marked optical scan ballot that can be tabulated in the precinct or at a counting center by automatic tabulating equipment certified for use in this state; or

(3) securely transmits a ballot electronically to automatic tabulating equipment in the precinct or at a counting center while creating an individual, discrete, permanent paper record of all the votes on the ballot.

Sec. 16. [206.805] [STATE VOTING SYSTEMS CONTRACTS.]

Subdivision 1. [CONTRACTS REQUIRED.] (a) The secretary of state, in cooperation with the commissioner of administration, shall establish one or more state voting systems contracts. The contracts should, if practical, include provisions for maintenance of the equipment purchased. The contracts must give the state a perpetual license to use and modify the software. The contracts must include provisions to escrow the software source code, as provided in subdivision 2. The contracts must provide that, if cumulative voting or ranked order voting is authorized by law for use in a jurisdiction in this state, the vendor will then provide any purchaser of equipment purchased under the contract and used in that jurisdiction with the necessary firmware to support the authorized methods of voting. Bids for voting systems and related election services must be solicited from each vendor selling or leasing voting systems that have been certified for use by the secretary of state. The contracts must be renewed no later than July 1 of each odd-numbered year.

(b) The secretary of state shall appoint an advisory committee of county auditors, municipal clerks who have had operational experience with the use of electronic voting systems, and members of the disabilities community to assist the commissioner of administration to review and evaluate the merits of proposals submitted from voting equipment vendors for the state contracts. Appointments to the committee must be made in the manner provided in section 15.0597.

(c) Counties and municipalities may purchase or lease voting systems and obtain related election services from the state contracts.

Subd. 2. [ESCROW OF SOURCE CODE.] The contracts must require the voting system vendor to provide a copy of the source code for the voting system to an independent third-party evaluator selected by the vendor, the secretary of state, and the chairs of the major political parties. The evaluator must examine the source code and certify to the secretary of state that the voting system will record and count votes as represented by the vendor. Source code that is trade secret information must be treated as nonpublic information, in accordance with section 13.37. Each major political party may designate an agent to examine the source code to verify that the voting system will record and count votes as represented by the vendor; the agent must not disclose the source code to anyone else.

Sec. 17. Minnesota Statutes 2004, section 206.81, is amended to read:

## 206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

(a) The secretary of state may ~~approve~~ certify an electronic voting system for experimental use at an election prior to its approval for general use.

(b) The secretary of state must ~~approve~~ certify one or more direct recording electronic voting systems for experimental use at an election before their approval certification for general use and may impose restrictions on their use. At least one voting system ~~approved~~ certified under this paragraph must permit sighted persons to vote and at least one system must permit a blind or visually impaired voter to cast a ballot independently and privately.

(c) Experimental use must be observed by the secretary of state or the secretary's designee and the results observed must be considered at any subsequent proceedings for ~~approval~~ certification for general use.

(d) The secretary of state may adopt rules consistent with sections 206.55 to 206.90 relating to experimental use. The extent of experimental use must be determined by the secretary of state.

Sec. 18. Minnesota Statutes 2004, section 206.82, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM.] A program or programs for use in an election conducted by means of an electronic voting system or using an electronic ballot marker shall be prepared at the direction of the county auditor or municipal clerk who is responsible for the conduct of the election and shall be independently verified by a competent person designated by that official. The term "competent person" as used in this section means a person who can demonstrate knowledge as a computer programmer and who is other than and wholly independent of any person operating or employed by the counting center or the corporation or other preparer of the program. A test deck prepared by a competent person shall be used for independent verification of the program; it shall test the maximum digits used in totaling the returns and shall be usable by insertion during the tabulation process as well as prior to tabulation. A test deck must also be prepared using the electronic ballot marker program and must also be used to verify that all valid votes counted by the vote tabulator may be selected using the electronic ballot marker. The secretary of state shall adopt rules further specifying test procedures.

Sec. 19. Minnesota Statutes 2004, section 206.83, is amended to read:

## 206.83 [TESTING OF VOTING SYSTEMS.]

Within 14 days before election day, the official in charge of elections shall have the voting system tested to ascertain that the system will correctly mark or securely transmit to automatic tabulating equipment in the precinct ballots using all methods supported by the system, including through assistive technology, and count the votes cast for all candidates and on all questions within 14 days prior to election day. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker to be employed in the precinct, including ballots marked or ballots transmitted electronically to automatic tabulating equipment in the precinct using the electronic ballot display, audio ballot reader, and each of the assistive voting peripheral devices used with the electronic ballot marker. If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election. After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 20. Minnesota Statutes 2004, section 206.84, subdivision 1, is amended to read:

Subdivision 1. [INSTRUCTION OF JUDGES, VOTERS.] The officials in charge of elections shall determine procedures to instruct election judges and voters in the use of electronic voting system manual marking devices and the electronic ballot marker, including assistive peripheral devices.

Sec. 21. Minnesota Statutes 2004, section 206.84, subdivision 3, is amended to read:

Subd. 3. [BALLOTS.] The ballot information must be in the same order provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages. The secretary of state shall provide by rule for standard ballot formats for electronic voting systems. Electronic ballot displays and audio ballot readers shall be in the order provided for on the optical scan ballot. Electronic ballot displays may employ zooms or other devices as assistive voting technology. Audio ballot readers may employ rewinds or audio cues as assistive voting technology.

Ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by electronic vote counting equipment. Ballot cards must contain an identification of the precinct for which they have been prepared which can be read visually and which can be tabulated by the automatic tabulating equipment.

Sec. 22. Minnesota Statutes 2004, section 206.84, subdivision 6, is amended to read:

Subd. 6. [DUTIES OF OFFICIAL IN CHARGE.] The official in charge of elections in each municipality where an electronic voting system is used shall have the voting systems put in order, set, adjusted, and made ready for voting when delivered to the election precincts. The official shall also provide each precinct with a container for transporting ballot cards to the counting location after the polls close. The container shall be of sturdy material to protect the ballots from all reasonably foreseeable hazards including auto collisions. The election judges shall meet at the polling place at least one hour before the time for opening the polls. Before the polls open the election judges shall compare the ballot cards used with the sample ballots, electronic ballot displays, and audio ballot reader furnished to see that the names, numbers, and letters on both agree and shall certify to that fact on forms provided for the purpose. The certification must be filed with the election returns.

Sec. 23. Minnesota Statutes 2004, section 206.90, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] For the purposes of this section, "optical scan voting system" means an electronic voting system approved for use under sections 206.80 to 206.81 in which the voter records votes by marking with a pencil or other ~~writing instrument~~ device, including an electronic ballot marker, a ballot on which the names of candidates, office titles, party designation in a partisan primary or election, and a statement of any question accompanied by the words "Yes" and "No" are printed.

Sec. 24. Minnesota Statutes 2004, section 206.90, subdivision 5, is amended to read:

Subd. 5. [INSTRUCTION OF JUDGES, VOTERS.] In instructing judges and voters under section 206.84, subdivision 1, officials in charge of election precincts using optical scan voting systems shall include instruction on the proper mark for recording votes on ballot cards marked with a pencil or other writing instrument and the insertion by the voter of the ballot card into automatic tabulating equipment that examines and counts votes as the ballot card is deposited into the ballot box.

Officials shall include instruction on the insertion by the voter of the ballot card into an electronic ballot marker that can examine votes before the ballot card is deposited into the ballot box.

Sec. 25. Minnesota Statutes 2004, section 206.90, subdivision 6, is amended to read:

Subd. 6. [BALLOTS.] In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink.



On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio ballot readers must follow the order of offices and questions on the optical scan or paper ballot used in the same precinct, or the sample ballot posted for that precinct.

Sec. 26. Minnesota Statutes 2004, section 206.90, subdivision 8, is amended to read:

Subd. 8. [DUTIES OF ELECTION OFFICIALS.] The official in charge of elections in each municipality where an optical scan voting system is used shall have the electronic ballot marker that examines and marks votes on ballot cards or the machine that transmits a ballot electronically to automatic tabulating equipment in the precinct and the automatic tabulating equipment that examines and counts votes as ballot cards are deposited into ballot boxes put in order, set, adjusted, and made ready for voting when delivered to the election precincts.

Sec. 27. Minnesota Statutes 2004, section 206.90, subdivision 9, is amended to read:

Subd. 9. [SPOILED BALLOT CARDS.] Automatic tabulating equipment and electronic ballot markers must be capable of examining a ballot card for defects and returning it to the voter before it is counted and deposited into the ballot box and must be programmed to return as a spoiled ballot a ballot card with votes for an office or question which exceed the number which the voter is entitled to cast and at a primary a ballot card with votes for candidates of more than one party.

Sec. 28. [APPROPRIATIONS.]

Subdivision 1. [ASSISTIVE VOTING TECHNOLOGY.] (a) \$25,000,000 is appropriated from the Help America Vote Act account to the secretary of state for grants to counties to purchase electronic voting systems equipped for individuals with disabilities that meet the requirements of Minnesota Statutes, section 206.80, and have been certified by the secretary of state under Minnesota Statutes, section 206.57. This appropriation is available until June 30, 2009.

(b) The secretary of state shall make a grant to each county in the amount of \$6,100 times the number of precincts in the county as certified by the county, which must not be more than the number of precincts used by the county in the state general election of 2004, plus \$6,100 to purchase an electronic voting system to be used by the county auditor for absentee and mail balloting, until the appropriation is exhausted. The grant may be used either to purchase ballot marking equipment for persons with disabilities and other voters or to purchase assistive voting machines that combine voting methods used for persons with disabilities with precinct-based optical scan voting machines.

Subd. 2. [OPTICAL SCAN EQUIPMENT.] \$6,000,000 is appropriated from the Help America Vote Act account to the secretary of state for grants to counties to purchase optical scan voting equipment. Counties are eligible for grants to the extent that they decide to purchase ballot marking machines and as a result do not have sufficient Help America Vote Act grant money remaining to also purchase a compatible precinct-based optical scan machine or central count machine. These grants must be allocated to counties at a rate of \$3,000 per eligible precinct until the appropriation is exhausted, with priority in the payment of grants to be given to counties currently using hand- and central-count voting systems and counties using precinct-count optical scan voting systems incompatible with assistive voting systems or ballot marking machines. This appropriation is available until June 30, 2009.

Subd. 3. [ASSISTIVE VOTING TECHNOLOGY OPERATING COSTS.] \$7,500,000 is appropriated from the Help America Vote Act account to the secretary of state for grants to counties to defray the operating costs of assistive voting equipment. "Operating costs" include actual county and municipal costs for hardware maintenance, election day technical support, software licensing, system programming, voting system testing, training of county or municipal staff in the use of the assistive voting system, transportation of the assistive voting systems to and from the polling places, and storage of the assistive voting systems between elections. Each county may submit a request for no more than \$600 per polling place per year until the appropriation is exhausted. This appropriation is available until June 30, 2009.

Subd. 4. [GRANT APPLICATION.] To receive a grant under subdivisions 1 to 3, a county must apply to the secretary of state on forms prescribed by the secretary of state that set forth how the grant money will be spent, which must be in accordance with the plan adopted under section 29. A county may submit more than one grant application, so long as the appropriation remains available and the total amount granted to the county does not exceed the county's allocation.

Subd. 5. [REPORT.] Each county receiving a grant under subdivisions 1 to 3 must report to the secretary of state by January 15, 2006, the amount spent for the purchase of each kind of electronic voting system and for operating costs of the systems purchased. The secretary of state shall compile this information and report it to the legislature by February 15, 2006.

Subd. 6. [ACCESS TO POLLING PLACES.] \$290,000 is appropriated from the Help America Vote Act account to the secretary of state to make grants to counties and municipalities to improve access to polling places for individuals with disabilities, to be available until June 30, 2007.

Subd. 7. [ADMINISTRATIVE COSTS.] (a) \$54,000 is appropriated from the Help America Vote Act account to the commissioner of administration to establish the state voting systems contract required by new Minnesota Statutes, section 206.805. \$36,000 is available until June 30, 2006, and \$18,000 is available for the fiscal year ending June 30, 2007.

(b) \$50,000 is appropriated from the Help America Vote Act account to the secretary of state to establish the state voting systems contract required by new Minnesota Statutes, section 206.805, and to administer the grants to counties and municipalities under this section, to be available until June 30, 2007.

Sec. 29. [LOCAL EQUIPMENT PLANS.]

(a) The county auditor shall convene a working group of all city and town election officials in each county to create a local equipment plan. The working group must continue to meet until the plan is completed, which must be no later than September 15, 2005, or 45 days after state certification of assistive voting systems, whichever is later. The plan must:

(1) contain procedures to implement voting systems as defined in Minnesota Statutes, section 206.80, in each polling location;

(2) define who is responsible for any capital or operating costs related to election equipment not covered by federal money from the Help America Vote Act account; and

(3) outline how the federal money from the Help America Vote Act account will be spent.

(b) A county plan must provide funding to purchase either precinct-based optical scan voting equipment or assistive voting machines that combine voting methods used for persons with disabilities with precinct-based optical scan voting machines for any precinct whose city or town requests it, if the requesting city or town agrees with the county on who will be responsible for operating and replacement costs related to the use of the precinct-based equipment.

(c) The plan must be submitted to the secretary of state for review and comment.

(d) The county board of commissioners must adopt the local equipment plan after a public hearing. Money from the Help America Vote Act account may not be expended until the plan is adopted. The county auditor shall file the adopted local equipment plan with the secretary of state.

Sec. 30. [MAIL BALLOTING.]

Nothing in this act is intended to preclude the use of mail balloting in those precincts where it is allowed under state law.

Sec. 31. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to elections; setting standards for and providing for the acquisition of electronic voting systems; appropriating money from the Help America Vote Act account; amending Minnesota Statutes 2004, sections 201.022, by adding a subdivision; 206.56, subdivisions 2, 3, 7, 8, 9, by adding subdivisions; 206.57, subdivisions 1, 5; 206.61, subdivisions 4, 5; 206.80; 206.81; 206.82, subdivision 1; 206.83; 206.84, subdivisions 1, 3, 6; 206.90, subdivisions 1, 5, 6, 8, 9; proposing coding for new law in Minnesota Statutes, chapter 206."

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

## **SECOND READING OF SENATE BILLS**

S.F. Nos. 2289 and 290 were read the second time.

## **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Belanger moved that S.F. No. 74, No. 1 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Belanger moved that S.F. No. 72, No. 21 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

## **MEMBERS EXCUSED**

Senators Chaudhary; Johnson, D.J. and Sams were excused from the Session of today. Senator Pariseau was excused from the Session of today at 9:30 a.m. Senator Wergin was excused from the Session of today from 9:30 to 9:50 a.m. and from 10:00 to 10:15 a.m. Senator Scheid was excused from the Session of today from 10:05 to 10:20 a.m.

## **ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 8:00 a.m., Wednesday, May 11, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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