

NINETY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 28, 2010

The Senate met at 10:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Kristi Koppel.

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

Anderson	Fischbach	Kubly	Ortman	Sheran
Bakk	Fobbe	Langseth	Pappas	Sieben
Berglin	Foley	Latz	Pariseau	Skoe
Betzold	Frederickson	Limmer	Parry	Skogen
Bonoff	Gerlach	Lourey	Pogemiller	Sparks
Carlson	Gimse	Lynch	Prettner Solon	Stumpf
Chaudhary	Hann	Marty	Rest	Tomassoni
Clark	Higgins	Metzen	Robling	Torres Ray
Cohen	Ingebrigtsen	Michel	Rosen	Vandever
Dahle	Johnson	Moua	Rummel	Vickerman
Dibble	Jungbauer	Murphy	Saltzman	Wiger
Dille	Kelash	Olseen	Saxhaug	
Doll	Koch	Olson, G.	Scheid	
Erickson Ropes	Koering	Olson, M.	Senjem	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 6, 2010

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as

required by law:

MINNESOTA DEPARTMENT OF VETERANS AFFAIRS
COMMISSIONER

Michael Pugliese, 4849 Park Ave., Minneapolis, in the county of Hennepin, effective April 14, 2010, to complete a term that expires on January 3, 2011.

(Referred to the Committee on Agriculture and Veterans.)

Sincerely,
Tim Pawlenty, Governor

April 22, 2010

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2808, 3116, 2572, 2152, 2363, 2944, 2339, 2690 and 2717.

Sincerely,
Tim Pawlenty, Governor

April 22, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2010 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2010	Date Filed 2010
2808		255	11:42 a.m. April 22	April 22
3116		256	11:43 a.m. April 22	April 22
2572		257	11:45 a.m. April 22	April 22
2152		258	11:56 a.m. April 22	April 22
2363		259	11:57 a.m. April 22	April 22
2944		260	11:58 a.m. April 22	April 22
	3405	261	11:59 a.m. April 22	April 22
	3151	262	4:03 p.m. April 22	April 22
	776	263	12:21 p.m. April 22	April 22

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	1692	264	12:28 p.m. April 22	April 22
	2851	265	12:29 p.m. April 22	April 22
	3096	266	12:30 p.m. April 22	April 22
	3393	267	12:31 p.m. April 22	April 22
2339		268	12:37 p.m. April 22	April 22
2690		269	12:22 p.m. April 22	April 22
2717		270	12:27 p.m. April 22	April 22

Sincerely,
Mark Ritchie
Secretary of State

April 26, 2010

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1246, 2851 and 2825.

Sincerely,
Tim Pawlenty, Governor

April 26, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2010 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2010	Date Filed 2010
1246		271	5:21 p.m. April 26	April 26
	3061	272	5:05 p.m. April 26	April 26
	3286	273	5:07 p.m. April 26	April 26
2851		274	5:08 p.m. April 26	April 26
2825		275	5:09 p.m. April 26	April 26
	3157	276	5:10 p.m. April 26	April 26
	2907	277	5:12 p.m. April 26	April 26
	2879	278	5:13 p.m. April 26	April 26

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2231	279	5:17 p.m. April 26	April 26
3048	280	5:14 p.m. April 26	April 26
3391	281	5:15 p.m. April 26	April 26

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2996.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2010

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. 2737: A bill for an act relating to state government; changing certain pesticide control provisions; authorizing waiver of a fee; providing for control of bovine tuberculosis; eliminating the native grasses and wildflower seed production and incentive program; authorizing ownership of agricultural land by certain nonprofit corporations; requiring tree care and tree trimming company registration; regulating certain sale and distribution of firewood; authorizing individuals and entities to take certain easements in agricultural land; allowing a temporary lien for livestock production inputs for 45 days following a mediation request requiring reports; clarifying the role of the commissioner and Department of Veterans Affairs in providing certain resources for the county veterans service offices; modifying a residency requirement for purposes of eligibility for higher educational benefits for the surviving spouse and children of a deceased veteran who dies as a result of military service; repealing authorization for a license plate; repealing a requirement that the Department of Veterans Affairs report on the status of a construction project priority listing; appropriating money; amending Minnesota Statutes 2008, sections 3.737, subdivision 4; 17.03, by adding a subdivision; 18B.31, subdivision 5; 18B.36, subdivision 1; 18B.37, subdivision 4; 18G.07; 28A.082, subdivision 1; 35.244, subdivisions 1, 2; 197.60, subdivision 1; 197.601; 197.605; 197.606; 197.609, subdivisions 1, 2; 197.75, subdivision 1; 239.092; 239.093; 500.221, subdivisions 2, 4; 500.24, subdivision 2; 514.965, subdivision 2; 514.966, subdivision 6, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 3.737, subdivision 1; 18B.316, subdivision 10; Laws 2008, chapter 296, article 1, section 25; proposing coding for new law in Minnesota Statutes, chapters 17; 38; repealing Minnesota Statutes 2008, sections 17.231; 168.1251; 343.26; Laws 2009, chapter 94, article 3, section 23.

Senate File No. 2737 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2010

Senator Skogen moved that the Senate do not concur in the amendments by the House to S.F. No. 2737, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 80: A bill for an act relating to elections; campaign finance; removing certain unconstitutional provisions governing independent expenditures in political campaigns; changing certain campaign expenditure and contribution limits and certain reporting requirements; authorizing electronic filing of certain items with the Campaign Finance and Public Disclosure Board; providing contribution limits for judicial candidates; increasing contribution limits for candidates for secretary of state, state auditor and the legislature; making certain reports filed with the Campaign Finance and Public Disclosure Board nonpublic data until certain conditions have been met; requiring the public subsidy for an eligible candidate be withheld until a required report has been filed; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 9, 11, 18, 26; 10A.04, subdivision 5; 10A.071, subdivision 3; 10A.08; 10A.09, subdivision 7; 10A.14, subdivisions 2, 4, by adding a subdivision; 10A.20, subdivisions 1, 12, 13, by adding subdivisions; 10A.27, subdivision 1; 10A.31, subdivision 6, by adding a subdivision; 10A.322, subdivision 1; 10A.323; 10A.35; 13.607, by adding a subdivision; 211A.02, subdivision 2; 211A.05, subdivision 2; 211B.12; repealing Minnesota Statutes 2008, section 10A.20, subdivision 6b.

There has been appointed as such committee on the part of the House:

Simon, Winkler and Sanders.

Senate File No. 80 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2010

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2511: A bill for an act relating to state government; establishing a collaborative governance council; requiring reports; proposing coding for new law in Minnesota Statutes,

chapter 6.

There has been appointed as such committee on the part of the House:

Swails, Ward and McFarlane.

Senate File No. 2511 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2010

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2846: A bill for an act relating to transportation; modifying provisions governing movement of large vehicles on public streets and highways; making technical changes; repealing certain rules related to motor carriers; amending Minnesota Statutes 2008, sections 169.801, subdivision 5; 169.823, as amended; 169.826, as amended; 169.828, subdivision 1; 169.829; 169.851, subdivision 5; 169.86, subdivisions 1a, 5; 169.862, subdivision 1; 169.863, subdivision 1; 169.864, subdivision 4; 169.871, subdivisions 1, 1a, 1b; Minnesota Statutes 2009 Supplement, sections 169.801, subdivision 10; 169.81, subdivision 3; 169.824, subdivisions 1, 2; 169.8261, subdivisions 1, 2; 169.85, subdivision 2; 169.862, subdivision 2; 169.864, subdivision 2; 169.865, subdivision 1; 169.87, subdivision 2; 221.025; 221.031, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 2008, section 169.826, subdivision 6; Minnesota Rules, parts 7800.0100, subparts 4, 6, 7, 8, 11, 12, 13, 14; 7800.0200; 7800.0400; 7800.0800; 7800.0900; 7800.1000; 7800.3200, subpart 2; 7800.3300; 7805.0500; 7805.0900; 7805.1300; 8850.7950; 8850.8000; 8850.8050, subpart 2; 8850.8100; 8850.8250; 8850.8300; 8850.8350; 8850.8800; 8850.8850; 8850.9050, subpart 3; 8855.0410; 8855.0600; 8855.0850; 8920.0100; 8920.0150; 8920.0200; 8920.0300; 8920.0400; 8920.0500; 8920.0600; 8920.0700; 8920.0800; 8920.0900; 8920.1000; 8920.1100; 8920.1200; 8920.1300; 8920.1400; 8920.1500; 8920.1550; 8920.1600; 8920.1700; 8920.1800; 8920.1900; 8920.2000; 8920.2100; 8920.2200; 8920.2300; 8920.2400; 8920.2500; 8920.2600; 8920.2700; 8920.2800; 8920.2900; 8920.3000; 8920.3100; 8920.3200; 8920.3300; 8920.3400; 8920.3500; 8920.3600; 8920.3700; 8920.3800; 8920.3900; 8920.4000; 8920.4100; 8920.4200; 8920.4300; 8920.4400; 8920.4500.

There has been appointed as such committee on the part of the House:

Hortman, Hausman and Holberg.

Senate File No. 2846 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2010

REPORTS OF COMMITTEES

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

Senator Pogemiller from the Committee on Rules and Administration, to which was re-referred

S.F. No. 70: A bill for an act relating to judicial selection; proposing an amendment to the Minnesota Constitution, article VI, sections 7 and 8; establishing retention elections for judges; creating a judicial performance commission; appropriating money; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 7, 10, 15; 10A.14, subdivision 1; 10A.20, subdivision 2, by adding a subdivision; 204B.06, subdivision 6; 204B.11, by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 13; 204D; 480B; repealing Minnesota Statutes 2008, sections 204B.36, subdivision 5; 204D.14, subdivision 3.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

CONSTITUTIONAL AMENDMENT

Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article VI, section 7, will read:

Sec. 7. ~~The term of office of all judges shall be six years and until their successors are qualified. They~~ Following appointment by the governor, each judge shall initially hold office for a term ending the first Monday in January following the next regularly scheduled general election held more than three years after the appointment. Thereafter, the judge's term of office shall be eight years and until a successor is appointed and qualified. Judges' retention shall be ~~elected~~ determined by the voters from the area which they ~~are to~~ serve, in the manner provided by law. An independent judicial performance evaluation commission shall evaluate in a nonpartisan manner the performance of judges according to criteria that the commission develops and publishes, and any other criteria established by law.

article VI, section 8, will read:

Sec. 8. Whenever there is a vacancy in the office of judge, the governor shall appoint in the manner provided by law a qualified person to fill the vacancy ~~until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment.~~

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment must be submitted to the people at the 2010 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to reaffirm the impartiality of the judiciary by providing that all judges be appointed by the governor, with their continuation in office determined at a retention election after a public, nonpartisan evaluation of their performance by a judicial performance evaluation commission rather than be determined under the current system of contested elections?"

Yes

No"

Sec. 3. **TRANSITION.**

A judge currently seated or elected at the time the constitutional amendment provided in section 1 is adopted shall complete the remainder of the judge's term as it existed before adoption of the amendment. A judge who is elected at the 2010 general election will serve a term of six years. Following completion of their terms, these judges are subject to the retention election process as provided in the constitution and may file for retention following the procedures described in article 2.

ARTICLE 2

STATUTORY PROVISIONS

Section 1. Minnesota Statutes 2008, section 10A.01, subdivision 7, is amended to read:

Subd. 7. **Ballot question.** "Ballot question" means a question or proposition that is placed on the ballot and that may be voted on by all voters of the state. "Promoting or defeating a ballot question" includes activities, other than lobbying activities, related to qualifying the question for placement on the ballot. A ballot question does not include a judicial retention election.

Sec. 2. Minnesota Statutes 2008, section 10A.01, subdivision 10, is amended to read:

Subd. 10. **Candidate.** "Candidate" means an individual who seeks nomination or election as a state constitutional officer, or legislator, or judge retention in a judicial office. An individual is deemed to seek nomination or election if the individual has taken the action necessary under the law of this state to qualify for nomination or election, has received contributions or made expenditures in excess of \$100, or has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about the individual's nomination or election. A candidate remains a candidate until the candidate's principal campaign committee is dissolved as provided in section 10A.24.

Sec. 3. Minnesota Statutes 2008, section 10A.01, subdivision 15, is amended to read:

Subd. 15. **Election.** "Election" means a primary, special primary, general, ~~or special~~, or retention election.

Sec. 4. Minnesota Statutes 2008, section 10A.14, subdivision 1, is amended to read:

Subdivision 1. **First registration.** The treasurer of a political committee, political fund, principal campaign committee, or party unit must register with the board by filing a statement of organization ~~no later than~~ within the earliest of:

(1) 14 days after the committee, fund, or party unit has made a contribution, received

contributions, or made expenditures in excess of \$100, ~~or by~~;

(2) 72 hours after the committee, fund, or party unit has made a contribution, received contributions, or made expenditures in excess of \$100, if the contribution or expenditure was made to advocate the retention or defeat of a candidate for judicial office; or

(3) the end of the next business day after it has received a loan or contribution that must be reported under section 10A.20, subdivision 5, ~~whichever is earlier.~~

Sec. 5. Minnesota Statutes 2008, section 10A.20, subdivision 2, is amended to read:

Subd. 2. **Time for filing.** (a) The reports must be filed with the board on or before January 31 of each year and additional reports must be filed as required and in accordance with paragraphs (b) ~~and (e)~~ to (d).

(b) In each year in which the name of the candidate is on the ballot, the report of the principal campaign committee must be filed 15 days before a primary and ten days before a general election, seven days before a special primary and a special election, and ten days after a special election cycle.

(c) In each general election year, a political committee, political fund, or party unit must file reports 15 days before a primary and ten days before a general election.

(d) In each general election year in which a political committee, political fund, or party unit makes expenditures that, in the aggregate, exceed \$100 to advocate the retention or defeat of a candidate for judicial office, reports must be filed 90 days, 60 days, and 30 days before the retention election.

Sec. 6. Minnesota Statutes 2008, section 10A.20, subdivision 4, is amended to read:

Subd. 4. **Period of report.** A report must cover the period from ~~the last day covered by the previous report~~ January 1 of the filing year to seven days before the filing date, except that the report due on January 31 must cover the period from the last day covered by the previous report to December 31.

Sec. 7. Minnesota Statutes 2008, section 10A.20, is amended by adding a subdivision to read:

Subd. 6c. **Independent expenditures; judicial retention.** (a) An individual, association, political committee, political party unit, or political fund must file a report with the board each time the individual, association, political committee, political party unit, or political fund makes or contracts to make, at any time up to and including the 20th day before an election, independent expenditures in an aggregate amount in excess of \$1,000 to advocate the retention or defeat of a candidate for judicial office. The report must be filed within 48 hours after initially making or contracting to make the expenditures.

(b) An individual, association, political committee, political party unit, or political fund must file a report with the board each time the individual, association, political committee, political party unit, or political fund makes or contracts to make, between the 19th day and the last day before an election, an independent expenditure in an aggregate amount in excess of \$100 to advocate the retention or defeat of a candidate for judicial office. The report must be filed within 24 hours after initially making or contracting to make the expenditures.

(c) An individual, association, political committee, political party unit, or political fund that

must file a report under this subdivision must also provide a copy of the report to the candidate, by certified mail, sent within the time period required for filing that same report with the board as provided in paragraphs (a) and (b).

(d) The reports required under this subdivision must be filed in person or by electronic means and must include the information required to be reported under subdivision 3, paragraph (g), except that if the expenditure is reported at the time it is contracted, the report must include the contract amount.

Sec. 8. [13.95] INDEPENDENT JUDICIAL PERFORMANCE EVALUATION COMMISSION.

Data of the Independent Judicial Performance Evaluation Commission is classified and governed as provided in section 480B.02.

Sec. 9. Minnesota Statutes 2008, section 204B.06, subdivision 6, is amended to read:

Subd. 6. **Judicial retention candidates; designation of term office.** ~~An individual~~ A justice or judge who files as a retention candidate for the office of chief justice or associate justice of the Supreme Court, judge of the Court of Appeals, or judge of the district court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a retention candidate. The individual shall be a retention candidate only for the office identified in the affidavit. Each justice of the Supreme Court and each Court of Appeals and district court judge is deemed to hold a separate nonpartisan office.

Sec. 10. Minnesota Statutes 2008, section 204B.11, is amended by adding a subdivision to read:

Subd. 3. **Judicial performance evaluation fee.** At the time of filing an affidavit of candidacy, in addition to the filing fee prescribed by subdivision 1, a candidate for judge of the Supreme Court, judge of the Court of Appeals, or judge of the district court shall pay to the filing officer a judicial performance evaluation fee of \$1,200. Fees received by the filing officer must immediately be paid to the commissioner of management and budget, who must deposit them in the state treasury and credit them to the judicial performance evaluation fee account established by section 480B.05, subdivision 2.

Sec. 11. Minnesota Statutes 2008, section 204B.34, subdivision 3, is amended to read:

Subd. 3. **Judicial elections.** ~~When one or more justices of the Supreme Court or judges of the Court of Appeals or of a district court are to be nominated at the same primary or elected at the same general election~~ have filed for retention election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected seeking retention.

Sec. 12. Minnesota Statutes 2008, section 204B.36, subdivision 4, is amended to read:

Subd. 4. **Judicial retention candidates.** ~~The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote.~~ (a) The official ballot shall contain the names of all justices or judges seeking to retain their office. Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The words "SUPREME COURT," "COURT OF APPEALS," and "(number) DISTRICT COURT" must be printed above the respective judicial office groups on the ballot. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

~~(a)~~ (1) in the case of the Supreme Court:

"Chief justice";

"Associate justice (number)";

~~(b)~~ (2) in the case of the Court of Appeals:

"Judge (number)"; or

~~(c)~~ (3) in the case of the district court:

"Judge (number)."

(b) A judicial retention election shall be placed on the ballot as a question, as provided in subdivision 3. The question shall appear in substantially the following form: "Shall (name of judge) of the (district court, Court of Appeals, or Supreme Court) be retained in office?"

Sec. 13. [204D.30] RETENTION OF JUDGES.

(a) Within the time period established by section 204B.09, a judge seeking to retain judicial office shall file an affidavit of candidacy with the secretary of state. Judges who have filed an affidavit of candidacy as provided in this section must be placed on the appropriate official ballot at the next regular general election under a nonpartisan designation in the form provided in section 204B.36, subdivision 4.

(b) If a majority of those voting on the question votes "No," then upon the expiration of the term for which the judge was serving, a vacancy exists, which must be filled as provided by law. If a majority of those voting on the question votes "Yes," the judge shall remain in office for an eight-year term, subject to removal as provided by the Minnesota Constitution. A judge who loses a retention election is ineligible to be appointed to fill the resulting vacancy.

(c) A judge seeking to retain judicial office is considered a candidate for election to that office. A judicial retention election is not a ballot question for the purposes of the Minnesota Election law.

Sec. 14. [480B.02] INDEPENDENT JUDICIAL PERFORMANCE EVALUATION COMMISSION.

Subdivision 1. **Establishment.** An Independent Judicial Performance Evaluation Commission is established and shall be an independent body not subject to the direct control of any branch of government.

Subd. 2. **Purpose of commission.** After public hearings, the commission shall adopt and administer for all judges a process for evaluating judicial performance. The performance review process must be designed to assist voters in evaluating the performance of judges standing for retention, facilitate self-improvement of all judges, and promote public accountability of the judiciary.

Subd. 3. **Composition; appointment of commission members.** (a) The commission is composed of 24 members. All members of the commission must be residents of Minnesota at the time of their appointment and for the duration of their term. Sitting judges and public officials, as defined in section 10A.01, subdivision 35, may not be appointed or serve on the commission.

Members of the commission who are attorneys at the time of their appointment must have been admitted to practice before the Minnesota Supreme Court for not less than five years. Members of the commission are eligible for reappointment up to two additional full terms.

(b) Members of the commission must be appointed and serve as follows:

(1) the governor shall appoint a total of eight members, no more than four of whom may be attorneys at the time of their appointment. Gubernatorial appointees serve on the commission until the governor who made the appointment leaves office or for a term of four years, whichever comes first;

(2) the Supreme Court shall appoint a total of eight members. The court shall designate one of the appointees to serve as chair of the commission. No more than four of the appointees may be attorneys at the time of their appointment. The Supreme Court's appointees serve on the commission for a four-year term; and

(3) the legislature shall appoint a total of eight members, no more than four of whom may be attorneys at the time of their appointment. Legislative appointments must be made sequentially as follows: the speaker of the house shall appoint one member, the minority leader of the house of representatives shall appoint one member, and the Subcommittee on Committees of the Senate Committee on Rules and Administration, on recommendation of the senate majority leader and senate minority leader, shall appoint two members. After each appointing authority has made the appointments as provided in this clause, a second round of appointments must be made in the same sequence. Legislative appointees serve on the commission for a two-year term.

In the case of a vacancy on the commission, the authority who appointed the member whose seat has become vacant shall appoint a person to fill the vacancy for the remainder of the unexpired term.

(c) In making appointments, the governor, Supreme Court, and the legislature must consider the diversity of the state's population, as well as the importance of balanced geographic representation, and appoint individuals of outstanding competence and reputation. The governor, Supreme Court, and the legislature should consult with one another to ensure the requirements of this paragraph are met.

(d) Members shall perform their duties in an impartial and objective manner and shall base their recommendations solely upon matters that are in the record developed by the commission. A member who violates this paragraph may be removed from the commission by majority vote of the commission's membership.

(e) A member may be removed by the appointing authority at any time for cause, after notice and hearing, or after missing three consecutive meetings. After a member misses two consecutive meetings and before the next meeting, the secretary of the commission shall notify the member in writing that the member may be removed if the member misses the next meeting. The chair of the commission shall inform the appointing authority if a member misses three consecutive meetings.

(f) Commission members shall serve without compensation but may be reimbursed for expenses associated with their work on the commission.

(g) The commission shall appoint an executive secretary to provide administrative assistance and coordinate the work of the commission.

Subd. 4. **Meetings and data.** Meetings of the Independent Judicial Performance Evaluation Commission are subject to the requirements of chapter 13D, except that a meeting held to evaluate the performance of a judge may only be closed to discuss issues related to the judge's health or allegations against the judge that may be defamatory. The commission is subject to the requirements of chapter 13. Except as otherwise provided in this section, data of the commission are public data pursuant to section 13.03, subdivision 1.

Subd. 5. **Standards and procedures.** (a) The Independent Judicial Performance Evaluation Commission shall develop written standards, subject to approval of the Supreme Court in their entirety, by which judicial performance is to be evaluated. The standards must be periodically updated and must include knowledge of the law, procedure, integrity, impartiality, temperament, respect for litigants, respect for the rule of law, administrative skill, punctuality, and communication skills. The commission may not evaluate judicial performance based on substantive legal issues or opinions that are subject to standard appellate processes.

(b) The commission shall adopt procedures for collecting information and conducting reviews and shall create and implement a program of periodic review of the performance of each judge. The commission must request public comment on these procedures before their adoption.

Subd. 6. **Surveys.** (a) Midway through a judge's term and again no fewer than nine months before the date of the election for retention of the judge's position, the commission must distribute anonymous survey forms eliciting performance evaluations of the judge to a representative sampling of attorneys, litigants, other judges, and other persons who have been in direct contact with the judge being evaluated and who have direct knowledge of the judge's judicial performance during the evaluation period.

(b) The commission must employ or contract with qualified individuals to prepare survey forms, process responses, and compile the statistical reports of the survey results in a manner that ensures confidentiality and accuracy.

(c) Each survey conducted must seek evaluations in accordance with the written performance standards adopted as provided in paragraph (a) and must solicit narrative comments regarding the judge's performance. Narrative comments contained in a survey response are private data on the judge, as defined in section 13.02, subdivision 12. Other data on an individual who completes or responds to a survey form are private data on that individual.

Subd. 7. **Midterm evaluation.** The commission shall evaluate each judge halfway through the judge's term, as nearly as practicable, to provide feedback to the judge about the judge's performance and to give the judge an opportunity for improvement. The commission shall adopt procedures for conducting the midterm evaluation.

Subd. 8. **Retention-year evaluation.** (a) In each year in which a judge has the opportunity to file as a candidate for retention, the Independent Judicial Performance Evaluation Commission must conduct a final evaluation of the judge and determine whether the judge meets or does not meet judicial performance standards. Upon completion of the evaluation, the commission must rate the judge "well-qualified," "qualified," or "unqualified" for office. A rating of "unqualified" does not prohibit a judge from seeking retention by the voters.

(b) The final evaluation of a judge must include a public hearing and an opportunity for submission of written public comments on the performance of a judge standing for retention.

Before accepting public comment and conducting a hearing, the commission must notify each judge to be evaluated of the process for conducting the evaluation and the right of the judge to submit written comments and appear in person at the hearing. The hearing and evaluation may be conducted by a panel of commission members, as provided in subdivision 9.

(c) A judge who does not intend to seek retention may waive the final evaluation process by providing written notice to the commission affirming the judge's intention to not file as a retention candidate for the judge's current office. If a judge waives the final evaluation under this paragraph, the judge is not eligible to file an affidavit of candidacy for the office and is not eligible to be appointed to fill the resulting vacancy.

Subd. 9. **Evaluation panels; review by full commission.** (a) The evaluation of a judge may be conducted by an evaluation panel. An evaluation panel is composed of five members, including at least one member appointed by each branch of government, but otherwise chosen randomly. A panel must report its results to the full commission. The full commission shall review a panel's evaluation if the panel rates a judge unqualified, or if one panelist or three members of the commission request a review within 15 days after the panel makes its report. The commission may overturn a panel's rating. If a panel's report and rating is not reviewed, the determination of the panel is final. Decisions of an evaluation panel or the full commission regarding a judge's performance are not subject to judicial review.

(b) If an evaluation is reviewed by the full commission, the commission shall provide written notice to the affected judge. The judge has the right to submit written comments to the commission and to appear and be heard by the commission before a final vote of the commission members regarding the judge's performance.

Subd. 10. **Publication of evaluation results.** Following the final evaluation of a judge, the commission shall compile a factual report on the judicial performance of each judge intending to stand for retention, including the final rating assigned to the judge's performance. The report must be made available to the public at least one month before the time period established in section 204B.09 for filing an affidavit of candidacy with the secretary of state.

Sec. 15. **[480B.03] JUDICIAL RETENTION ELECTIONS.**

Judicial retention elections must be conducted consistent with the procedures established by law for the administration of state general elections. Judges standing for retention must be placed on the ballot as provided in section 204D.30.

Sec. 16. **[480B.04] REQUIREMENTS FOR SERVICE ON COMMISSIONS.**

Subdivision 1. **Service on multiple commissions prohibited.** A person may not simultaneously serve on more than one commission established under this chapter.

Subd. 2. **Service until appointment of successors.** Members of commissions established under this chapter continue to serve until their successors have been appointed and qualified.

Sec. 17. **[480B.05] JUDICIAL PERFORMANCE EVALUATION; FEE.**

Subdivision 1. **Authorization.** The Supreme Court, through the Lawyer Registration Office, may assess a judicial performance evaluation fee on each licensed attorney in the state. If imposed, the fee must not exceed \$15 and may only apply to attorneys actively engaged in the practice of law.

Subd. 2. **Creation of account.** The Judicial Performance Evaluation Fee Account is created in the special revenue fund. The state court administrator shall forward fees collected under subdivision 1 to the commissioner of management and budget who shall deposit them in the state treasury and credit them to the account. The judicial performance evaluation fee collected under section 204B.11, subdivision 3, must also be credited to the account. Money in the account is appropriated to the Independent Judicial Performance Evaluation Commission.

Sec. 18. INDEPENDENT JUDICIAL PERFORMANCE EVALUATION COMMISSION; FIRST MEETING; TRANSITION.

(a) Initial appointments must be made to the Independent Judicial Performance Evaluation Commission on July 1, 2011.

(b) Initial appointees shall serve for a term ending January 15, 2013, and may be considered for reappointment as provided in this article at that time. The chair of the commission must convene the first full meeting of the commission no later than August 1, 2011, and appoint a secretary for the commission at that first meeting.

(c) The commission is only required to conduct a final retention-year evaluation of each judge whose term expires on or before January 5, 2015, but may conduct an initial evaluation of these judges to provide an opportunity for improvement if the commission determines that it is prepared and equipped to do so. Judges whose terms expire after January 5, 2015, are subject to both the midterm and final retention-year evaluations required by this article.

Sec. 19. REPEALER.

Minnesota Statutes 2008, sections 204B.36, subdivision 5; and 204D.14, subdivision 3, are repealed.

Sec. 20. EFFECTIVE DATE.

If the constitutional amendment in article 1 is adopted, this article is effective July 1, 2011, except that the governor, legislature, and Supreme Court may immediately undertake any procedure necessary to consider and select potential appointees to the Independent Judicial Performance Evaluation Commission."

Amend the title numbers accordingly

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

Senator Pogemiller from the Committee on Rules and Administration, to which was re-referred

S.F. No. 2496: A bill for an act relating to state government; establishing the Task Force for Policy Innovation and Research.

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

Page 1, delete lines 8 to 9 and insert:

"(1) four members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, including the chair of the Committee on Finance and two

members of the minority;"

Page 1, line 10, delete "(3)" and insert "(2)"

Page 1, line 12, delete "(4)" and insert "(3)"

Page 1, line 14, delete "(5)" and insert "(4)"

Page 1, line 20, delete "(6)" and insert "(5)"

Page 1, line 22, delete "(7)" and insert "(6)"

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

Senator Pogemiller, from the Committee on Rules and Administration, to which was referred

H.F. No. 3106 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.
3106	2741				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3106 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3106, the fourth engrossment; and insert the language after the enacting clause of S.F. No. 2741, the second engrossment; further, delete the title of H.F. No. 3106, the fourth engrossment; and insert the title of S.F. No. 2741, the second engrossment.

And when so amended H.F. No. 3106 will be identical to S.F. No. 2741, and further recommends that H.F. No. 3106 be given its second reading and substituted for S.F. No. 2741, 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 SENATE BILLS

S.F. Nos. 70 and 2496 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 3106 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senator Scheid introduced—

S.F. No. 3391: A bill for an act relating to real property; establishing a statute of limitations for actions to enforce notes secured by junior liens on foreclosed residential property; proposing coding for new law in Minnesota Statutes, chapter 541.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS

Senator Langseth moved that the name of Senator Frederickson be added as a co-author to S.F. No. 3379. The motion prevailed.

Senator Murphy introduced –

Senate Resolution No. 188: A Senate resolution congratulating Walker Erin Welch of Wanamingo, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

S.F. No. 3051: A bill for an act relating to utilities; regulating rates charged to low-income customers; providing for inverted block rates; amending Minnesota Statutes 2008, sections 216B.16, subdivisions 14, 15; 216B.2401.

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 49 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Doll	Kelash	Marty
Bakk	Clark	Erickson Ropes	Kubly	Metzen
Berglin	Cohen	Fobbe	Langseth	Moua
Betzold	Dahle	Foley	Latz	Murphy
Bonoff	Dibble	Frederickson	Lourey	Olseen
Carlson	Dille	Higgins	Lynch	Olson, M.

Pappas	Rosen	Scheid	Skogen	Torres Ray
Pogemiller	Rummel	Sheran	Sparks	Vickerman
Prettner Solon	Saltzman	Sieben	Stumpf	Wiger
Rest	Saxhaug	Skoe	Tomassoni	

Those who voted in the negative were:

Fischbach	Ingebrigtsen	Koering	Ortman	Senjem
Gerlach	Johnson	Limmer	Pariseau	Vandev eer
Gimse	Jungbauer	Michel	Parry	
Hann	Koch	Olson, G.	Robling	

So the bill passed and its title was agreed to.

S.F. No. 3275: A bill for an act relating to state government; appropriating money from constitutionally dedicated funds; modifying appropriation to prevent water pollution from polycyclic aromatic hydrocarbons; modifying certain administrative accounts; modifying electronic transaction provisions; providing for certain registration exemptions; modifying all-terrain vehicle definitions; modifying all-terrain vehicle operation restrictions; modifying state trails and canoe and boating routes; modifying fees and disposition of certain receipts; modifying certain competitive bidding exemptions; modifying horse trail pass provisions; modifying beaver dam provisions; modifying the Water Law; modifying nongame wildlife checkoffs; establishing an Environment and Natural Resources Organization Advisory Committee to advise legislature and governor on new structure for administration of environment and natural resource policies; requiring an advisory committee to consider all powers and duties of Pollution Control Agency, Department of Natural Resources, Environmental Quality Board, Board of Water and Soil Resources, Petroleum Tank Release Compensation Board, Harmful Substances Compensation Board, and Agricultural Chemical Response Compensation Board and certain powers and duties of Departments of Agriculture, Health, Transportation, and Commerce; modifying method of determining value of acquired stream easements; providing for certain historic property exemption; modifying state forest acquisition provisions; modifying certain requirements for land sales; adding to and deleting from state parks and state forests; authorizing public and private sales, conveyances, and exchanges of certain state land; amending the definition of "green economy" to include the concept of "green chemistry;" clarifying that an appropriation is to the commissioner of commerce; establishing a program to provide rebates for solar photovoltaic modules; providing for community energy planning; modifying Legislative Energy Commission and Public Utilities Commission provisions; eliminating a legislative guide; appropriating money; amending Minnesota Statutes 2008, sections 3.8851, subdivision 7; 84.025, subdivision 9; 84.027, subdivision 15; 84.0272, subdivision 2; 84.0856; 84.0857; 84.777, subdivision 2; 84.82, subdivision 3, by adding a subdivision; 84.92, subdivisions 9, 10; 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1; 84.9256, subdivision 1; 84.928, subdivision 5; 85.012, subdivision 40; 85.015, subdivision 14; 85.22, subdivision 5; 85.32, subdivision 1; 85.41, subdivision 3; 85.42; 85.43; 85.46, as amended; 88.17, subdivisions 1, 3; 88.79, subdivision 2; 89.032, subdivision 2; 90.041, by adding a subdivision; 90.121; 90.14; 97B.665, subdivision 2; 103A.305; 103G.271, subdivision 3; 103G.285, subdivision 5; 103G.301, subdivision 6; 103G.305, subdivision 2; 103G.315, subdivision 11; 103G.515, subdivision 5; 103G.615, subdivision 2; 115A.02; 116.07, subdivisions 4, 4h; 116J.437, subdivision 1; 216B.62, by adding a subdivision; 290.431; 290.432; 473.1565, subdivision 2; Minnesota Statutes 2009 Supplement, sections 84.415, subdivision 6; 84.793, subdivision 1; 84.9275, subdivision 1; 84.928, subdivision 1; 85.015, subdivision 13; 86A.09, subdivision 1; 103G.201; Laws 2008, chapter 368, article 1, section 34, as amended; Laws 2009, chapter 37, article 2, section 13; Laws 2009, chapter 176, article 4, section 9; Laws 2010, chapter 215, article 3, section 4,

subdivision 10; proposing coding for new law in Minnesota Statutes, chapters 85; 103G; 116C; repealing Minnesota Statutes 2008, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 90.172; 97B.665, subdivision 1; 103G.295; 103G.650; Minnesota Statutes 2009 Supplement, sections 3.3006; 84.02, subdivisions 4a, 6a, 6b; Laws 2009, chapter 172, article 5, section 8.

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 63 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Kubly	Ortman	Senjem
Bakk	Fischbach	Langseth	Pappas	Sheran
Berglin	Fobbe	Latz	Pariseau	Sieben
Betzold	Foley	Lourey	Parry	Skoe
Bonoff	Frederickson	Lynch	Pogemiller	Skogen
Carlson	Gimse	Marty	Prettner Solon	Sparks
Chaudhary	Hann	Metzen	Rest	Stumpf
Clark	Higgins	Michel	Robling	Tomassoni
Cohen	Ingebrigtsen	Moua	Rosen	Torres Ray
Dahle	Johnson	Murphy	Rummel	Vickerman
Dibble	Jungbauer	Olseen	Saltzman	Wiger
Dille	Kelash	Olson, G.	Saxhaug	
Doll	Koch	Olson, M.	Scheid	

Those who voted in the negative were:

Gerlach	Koering	Limmer	Vandev eer
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So the bill passed and its title was agreed to.

H.F. No. 3589: A bill for an act relating to state government; reducing the reporting threshold for contracts for professional or technical services; amending Minnesota Statutes 2008, section 16C.08, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Langseth	Ortman	Senjem
Bakk	Fischbach	Latz	Pappas	Sheran
Berglin	Fobbe	Limmer	Pariseau	Sieben
Betzold	Foley	Lourey	Parry	Skoe
Bonoff	Frederickson	Lynch	Pogemiller	Skogen
Carlson	Gimse	Marty	Prettner Solon	Sparks
Chaudhary	Hann	Metzen	Rest	Stumpf
Clark	Higgins	Michel	Robling	Tomassoni
Cohen	Ingebrigtsen	Moua	Rosen	Torres Ray
Dahle	Jungbauer	Murphy	Rummel	Vickerman
Dibble	Kelash	Olseen	Saltzman	Wiger
Dille	Koch	Olson, G.	Saxhaug	
Doll	Kubly	Olson, M.	Scheid	

Those who voted in the negative were:

Gerlach	Johnson	Koering	Vandev eer
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So the bill passed and its title was agreed to.

S.F. No. 2540: A bill for an act relating to transportation; modifying or adding provisions relating to truck insurance, school bus transportation, transportation construction impacts on business, rest areas, highways, bridges, transportation contracts, variances from rules and engineering standards for local streets and highways, the state park road account, tax-exempt vehicles, license plates, deputy registrars, vehicles and drivers, impounds, towing, pedestrians, intersection gridlock, bus and type III vehicle operation, various traffic regulations, cargo tank vehicle weight exemptions, drivers' licenses, transportation department goals and mission, the Disadvantaged Business Enterprise Collaborative, a Minnesota Council of Transportation Access, complete streets, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers, allocation of traffic fines, airport authorities, property acquisition for highways, transit, town road interest extinguishment nullification, Northstar commuter rail, and roundabouts design; providing for State Patrol tax compliance and vehicle crimes investigations; providing for issuance and sale of trunk highway bonds; requiring reports; making technical and clarifying changes; appropriating money; amending Minnesota Statutes 2008, sections 65B.43, subdivision 2; 161.14, by adding subdivisions; 161.3426, subdivision 3, by adding a subdivision; 162.02, subdivision 3a; 162.09, subdivision 3a; 165.14, subdivisions 4, 5; 168.12, subdivisions 2a, 2b, by adding a subdivision; 168.123, subdivisions 1, 2; 168.1255, subdivision 1; 168.1291, subdivisions 1, 2; 168.33, subdivision 2; 168B.04, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.09, subdivision 5a; 169.15; 169.26, by adding a subdivision; 169.306; 169.79, subdivision 3; 169.87, by adding a subdivision; 169.92, subdivision 4; 171.321, subdivision 2; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 221.0252, subdivision 7; 221.036, subdivisions 1, 3; 221.221, subdivision 3; 221.251, subdivision 1; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 123B.92, subdivision 1; 160.165; 161.14, subdivision 62; 162.06, subdivision 5; 168.012, subdivision 1; 168.12, subdivision 5; 169.71, subdivision 1; 169.865, subdivision 1; 171.02, subdivision 2b; 174.66; 221.026, subdivision 2; 221.031, subdivision 1; 221.122, subdivision 1; 299D.03, subdivision 5; Laws 2008, chapter 287, article 1, section 122; Laws 2009, chapter 36, article 1, sections 1; 3, subdivisions 1, 2, 3; 5, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 174; 221; 383D; repealing Minnesota Statutes 2008, sections 169.041, subdivisions 3, 4; 221.161, subdivisions 2, 3; 221.291, subdivision 5; Minnesota Statutes 2009 Supplement, sections 221.161, subdivisions 1, 4; 221.171; Minnesota Rules, parts 7805.0300; 7805.0400.

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 63 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Foley	Kelash	Marty
Bakk	Dahle	Frederickson	Koch	Metzen
Berglin	Dibble	Gimse	Koering	Michel
Betzold	Dille	Hann	Kubly	Moua
Bonoff	Doll	Higgins	Langseth	Murphy
Carlson	Erickson Ropes	Ingebrigtsen	Latz	Olseen
Chaudhary	Fischbach	Johnson	Lourey	Olson, G.
Clark	Fobbe	Jungbauer	Lynch	Olson, M.

Ortman	Rest	Saxhaug	Skoe	Torres Ray
Pappas	Robling	Scheid	Skogen	Vickerman
Pariseau	Rosen	Senjem	Sparks	Wiger
Pogemiller	Rummel	Sheran	Stumpf	
Prettner Solon	Saltzman	Sieben	Tomassoni	

Those who voted in the negative were:

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

H.F. No. 1209: A bill for an act relating to motor vehicles; removing expiration date relating to corporate deputy registrars; amending Minnesota Statutes 2008, section 168.33, 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 54 and nays 13, as follows:

Those who voted in the affirmative were:

Bakk	Erickson Ropes	Koch	Olseen	Sieben
Berglin	Fischbach	Kubly	Olson, G.	Skoe
Betzold	Fobbe	Langseth	Olson, M.	Skogen
Bonoff	Gerlach	Latz	Pariseau	Sparks
Carlson	Gimse	Limmer	Pogemiller	Stumpf
Chaudhary	Hann	Lourey	Prettner Solon	Tomassoni
Clark	Higgins	Lynch	Rest	Torres Ray
Cohen	Ingebrigtsen	Metzen	Saltzman	Vandever
Dahle	Johnson	Michel	Saxhaug	Vickerman
Dibble	Jungbauer	Moua	Senjem	Wiger
Doll	Kelash	Murphy	Sheran	

Those who voted in the negative were:

Anderson	Frederickson	Ortman	Robling	Scheid
Dille	Koering	Pappas	Rosen	
Foley	Marty	Parry	Rummel	

So the bill passed and its title was agreed to.

S.F. No. 2429: A bill for an act relating to veterans; clarifying the transit fee exemption provisions related to veterans with service-connected disabilities; amending Minnesota Statutes 2009 Supplement, sections 174.24, subdivision 7; 473.408, subdivision 10.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Clark	Fischbach	Higgins	Kubly
Bakk	Cohen	Fobbe	Ingebrigtsen	Langseth
Berglin	Dahle	Foley	Johnson	Latz
Betzold	Dibble	Frederickson	Jungbauer	Limmer
Bonoff	Dille	Gerlach	Kelash	Lourey
Carlson	Doll	Gimse	Koch	Lynch
Chaudhary	Erickson Ropes	Hann	Koering	Marty

Metzen	Ortman	Robling	Sheran	Torres Ray
Michel	Pappas	Rosen	Sieben	Vandever
Moua	Pariseau	Rummel	Skoe	Vickerman
Murphy	Parry	Saltzman	Skogen	Wiger
Olseen	Pogemiller	Saxhaug	Sparks	
Olson, G.	Prettner Solon	Scheid	Stumpf	
Olson, M.	Rest	Senjem	Tomassoni	

So the bill passed and its title was agreed to.

H.F. No. 2855: A bill for an act relating to labor and industry; modifying boiler provisions; amending and imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 326B.94, as amended; 326B.954; 326B.956; 326B.958; 326B.961, as added if enacted; 326B.964; 326B.966; 326B.97; 326B.98; 326B.986, subdivision 10; 326B.99; 326B.994, subdivision 3; 326B.998; Minnesota Statutes 2009 Supplement, sections 326B.972; 326B.986, subdivisions 2, 8; 326B.988; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2008, sections 326B.952; 326B.96, subdivision 1; 326B.962; 326B.968; 326B.982; 326B.996; Minnesota Rules, parts 5225.1400; 5225.3100; 5225.3150; 5225.3200.

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 64 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Koch	Olseen	Senjem
Bakk	Fischbach	Koering	Olson, G.	Sheran
Berglin	Fobbe	Kubly	Olson, M.	Sieben
Betzold	Foley	Langseth	Pappas	Skoe
Bonoff	Frederickson	Latz	Pariseau	Skogen
Carlson	Gerlach	Limmer	Pogemiller	Sparks
Chaudhary	Gimse	Lourey	Prettner Solon	Stumpf
Clark	Hann	Lynch	Rest	Tomassoni
Cohen	Higgins	Marty	Rosen	Torres Ray
Dahle	Ingebrigtsen	Metzen	Rummel	Vandever
Dibble	Johnson	Michel	Saltzman	Vickerman
Dille	Jungbauer	Moua	Saxhaug	Wiger
Doll	Kelash	Murphy	Scheid	

Those who voted in the negative were:

Ortman	Parry	Robling
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So the bill passed and its title was agreed to.

S.F. No. 3073: A bill for an act relating to state government; authorizing a report regarding the effectiveness of state programs serving people with disabilities; proposing coding for new law in Minnesota Statutes, chapter 256.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Bakk	Berglin	Betzold	Bonoff
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Carlson	Gerlach	Lourey	Parry	Skoe
Chaudhary	Gimse	Lynch	Pogemiller	Skogen
Clark	Hann	Marty	Prettner Solon	Sparks
Cohen	Higgins	Metzen	Rest	Stumpf
Dahle	Ingebrigtsen	Michel	Robling	Tomassoni
Dibble	Johnson	Moua	Rosen	Torres Ray
Dille	Jungbauer	Murphy	Rummel	Vandever
Doll	Kelash	Olseen	Saltzman	Vickerman
Erickson Ropes	Koch	Olson, G.	Saxhaug	Wiger
Fischbach	Koering	Olson, M.	Scheid	
Fobbe	Kubly	Ortman	Senjem	
Foley	Langseth	Pappas	Sheran	
Frederickson	Latz	Pariseau	Sieben	

So the bill passed and its title was agreed to.

S.F. No. 3003: A bill for an act relating to the environment; modifying requirements for solid waste disposal facilities; providing exceptions for certain facilities; amending Minnesota Statutes 2008, section 116.07, subdivisions 4, 4h.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kubly	Ortman	Sheran
Bakk	Fobbe	Langseth	Pappas	Sieben
Berglin	Foley	Latz	Pariseau	Skoe
Betzold	Frederickson	Limmer	Parry	Skogen
Bonoff	Gerlach	Lourey	Pogemiller	Sparks
Carlson	Gimse	Lynch	Prettner Solon	Stumpf
Chaudhary	Hann	Marty	Rest	Tomassoni
Clark	Higgins	Metzen	Robling	Torres Ray
Cohen	Ingebrigtsen	Michel	Rosen	Vandever
Dahle	Johnson	Moua	Rummel	Vickerman
Dibble	Jungbauer	Murphy	Saltzman	Wiger
Dille	Kelash	Olseen	Saxhaug	
Doll	Koch	Olson, G.	Scheid	
Erickson Ropes	Koering	Olson, M.	Senjem	

So the bill passed and its title was agreed to.

S.F. No. 2642: A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to laws and statutes; amending Minnesota Statutes 2008, sections 3.7393, subdivision 12; 12A.05, subdivision 3; 13.321, subdivision 10; 13.411, subdivision 5; 13.861, subdivision 2; 16B.24, subdivision 5; 16D.11, subdivision 7; 53C.01, subdivision 12a; 84.797, subdivision 6; 84.803, subdivision 2; 84.8045; 115A.932, subdivision 1; 116.155, subdivision 3; 125A.64, subdivision 6; 126C.55, subdivision 6; 128D.03, subdivision 2; 129C.10, subdivision 8; 136F.61; 168.002, subdivision 13; 168.013, subdivision 1; 169.67, subdivision 1; 190.025, subdivision 3; 214.04, subdivision 1; 216B.1691, subdivision 1; 245A.18, subdivision 2; 256L.04, subdivision 1; 260C.301, subdivision 1; 270.41, subdivision 5; 273.1115, subdivisions 1, 3; 273.124, subdivision 11; 290.0921, subdivision 3a; 297A.61, subdivision 3; 309.72; 325F.675, subdivision 6; 325F.732, subdivision 2; 332.37; 332.40, subdivision 2; 332.52, subdivision 3; 374.02; 469.154, subdivision 3; 473.599, subdivision 8; 490.133; 507.071, subdivision 16; 515B.1-102; Minnesota Statutes 2009 Supplement, sections 16A.126, subdivision

1; 16C.138, subdivision 2; 47.60, subdivisions 4, 6; 53.09, subdivision 2; 69.772, subdivision 6; 116J.401, subdivision 2; 120B.30, subdivisions 1, 2; 122A.60, subdivision 2; 124D.10, subdivisions 3, 8, 14, 15, 23, 25; 152.025; 168.33, subdivision 7; 169.011, subdivision 71; 169.865, subdivision 1; 176.135, subdivision 8; 246B.06, subdivision 7; 256.969, subdivision 3b; 256B.0659, subdivision 3; 256B.5012, subdivision 8; 260C.212, subdivision 7; 270.97; 270C.445, subdivision 7; 299A.61, subdivision 1; 332B.07, subdivisions 1, 4; 332B.09, subdivision 3; 424A.02, subdivision 10; 524.5-701; 571.914, subdivision 4; 626.557, subdivision 20; Laws 2009, chapter 78, article 8, section 22, subdivision 3; Laws 2009, chapter 79, article 10, section 48; Laws 2009, chapter 88, article 5, section 17; Laws 2009, chapter 172, article 1, section 2, subdivision 5; repealing Minnesota Statutes 2008, sections 13.6435, subdivision 9; 15.38, subdivision 5; 168.098; 256B.041, subdivision 5; 256D.03, subdivision 5; Laws 2005, First Special Session chapter 4, article 8, section 87; Laws 2006, chapter 277, article 1, sections 1; 3; Laws 2008, chapter 287, article 1, section 104; Laws 2008, chapter 300, section 6; Laws 2009, chapter 78, article 4, section 41; Laws 2009, chapter 88, article 6, sections 14; 15; 16; Laws 2009, chapter 169, article 10, section 32; Minnesota Rules, parts 9525.0750; 9525.0760; 9525.0770; 9525.0780; 9525.0790; 9525.0800; 9525.0810; 9525.0820; 9525.0830.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kubly	Ortman	Sheran
Bakk	Fobbe	Langseth	Pappas	Sieben
Berglin	Foley	Latz	Pariseau	Skoe
Betzold	Frederickson	Limmer	Parry	Skogen
Bonoff	Gerlach	Lourey	Pogemiller	Sparks
Carlson	Gimse	Lynch	Prettner Solon	Stumpf
Chaudhary	Hann	Marty	Rest	Tomassoni
Clark	Higgins	Metzen	Robling	Torres Ray
Cohen	Ingebrigtsen	Michel	Rosen	Vandever
Dahle	Johnson	Moua	Rummel	Vickerman
Dibble	Jungbauer	Murphy	Saltzman	Wiger
Dille	Kelash	Olseen	Saxhaug	
Doll	Koch	Olson, G.	Scheid	
Erickson Ropes	Koering	Olson, M.	Senjem	

So the bill passed and its title was agreed to.

H.F. No. 2899: A bill for an act relating to data practices; providing an administrative remedy for certain data practices law violations; providing civil penalties; appropriating money; amending Minnesota Statutes 2008, sections 13.072, subdivision 2; 13.08, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 13.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Bonoff	Chaudhary	Cohen
Bakk	Betzold	Carlson	Clark	Dahle

Dibble	Ingebrigtsen	Metzen	Prettner Solon	Skogen
Dille	Johnson	Michel	Rest	Sparks
Doll	Jungbauer	Moua	Robling	Stumpf
Erickson Ropes	Kelash	Murphy	Rosen	Tomassoni
Fischbach	Koch	Olseen	Rummel	Torres Ray
Fobbe	Kubly	Olson, G.	Saltzman	Vandever
Foley	Langseth	Olson, M.	Saxhaug	Vickerman
Frederickson	Latz	Ortman	Scheid	Wiger
Gerlach	Limmer	Pappas	Senjem	
Gimse	Lourey	Pariseau	Sheran	
Hann	Lynch	Parry	Sieben	
Higgins	Marty	Pogemiller	Skoe	

Those who voted in the negative were:

Koering

So the bill passed and its title was agreed to.

S.F. No. 2974: A bill for an act relating to health; amending provisions for electronic health record technology; providing for administrative penalties; appropriating money; amending Minnesota Statutes 2009 Supplement, sections 62J.495, subdivisions 1a, 3, by adding a subdivision; 62J.497, subdivisions 4, 5; proposing coding for new law in Minnesota Statutes, chapter 62J.

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 54 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Langseth	Pappas	Sheran
Bakk	Doll	Latz	Pariseau	Sieben
Berglin	Erickson Ropes	Lourey	Pogemiller	Skoe
Betzold	Fischbach	Lynch	Prettner Solon	Skogen
Bonoff	Fobbe	Marty	Rest	Sparks
Carlson	Foley	Metzen	Robling	Stumpf
Chaudhary	Frederickson	Moua	Rosen	Tomassoni
Clark	Gimse	Murphy	Rummel	Torres Ray
Cohen	Higgins	Olseen	Saltzman	Vickerman
Dahle	Kelash	Olson, G.	Saxhaug	Wiger
Dibble	Kubly	Olson, M.	Scheid	

Those who voted in the negative were:

Gerlach	Johnson	Koering	Parry
Hann	Jungbauer	Limmer	Senjem
Ingebrigtsen	Koch	Ortman	Vandever

So the bill passed and its title was agreed to.

S.F. No. 2716: A bill for an act relating to education; modifying charter school provisions; creating an authority; permitting certain charter schools to purchase facilities; authorizing the sale of revenue bonds; appropriating money; amending Minnesota Statutes 2008, sections 124D.11, subdivisions 1, 3, 4, 7, by adding subdivisions; 326B.103, subdivision 11; Minnesota Statutes 2009 Supplement, sections 124D.10, subdivisions 3, 4, 4a, 6, 8, 17, 23, 23a; 124D.11, subdivision 9; Laws 2009, chapter 96, article 2, section 67, subdivision 2; article 7, section 3; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 2008, section 124D.11, subdivision 8; Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 17a.

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 15, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Latz	Pogemiller	Skogen
Bakk	Doll	Lourey	Prettner Solon	Sparks
Berglin	Erickson Ropes	Lynch	Rest	Stumpf
Betzold	Fobbe	Marty	Robling	Tomassoni
Bonoff	Foley	Metzen	Rummel	Torres Ray
Carlson	Frederickson	Moua	Saltzman	Vickerman
Chaudhary	Higgins	Murphy	Saxhaug	Wiger
Clark	Kelash	Olseen	Scheid	
Cohen	Koering	Olson, G.	Sheran	
Dahle	Kubly	Olson, M.	Sieben	
Dibble	Langseth	Pappas	Skoe	

Those who voted in the negative were:

Fischbach	Hann	Jungbauer	Michel	Rosen
Gerlach	Ingebrigtsen	Koch	Ortman	Senjem
Gimse	Johnson	Limmer	Parry	Vandever

So the bill passed and its title was agreed to.

S.F. No. 3055: A bill for an act relating to tobacco; tobacco control and preventing tobacco use; modernizing definitions of tobacco, tobacco products, and tobacco-related devices; modifying promotional and self-service distribution rules; subjecting sale of tobacco related devices to municipal licensing; prescribing criminal penalties; amending Minnesota Statutes 2008, sections 297F.01, subdivision 19; 325F.77, subdivision 4; 461.12, subdivisions 1, as amended, 2, 3, 4, 5, 6; 461.18, subdivision 1; 609.685, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

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 63 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Kubly	Olson, M.	Scheid
Bakk	Fischbach	Langseth	Ortman	Sheran
Berglin	Fobbe	Latz	Pappas	Sieben
Betzold	Foley	Limmer	Pariseau	Skoe
Bonoff	Frederickson	Lourey	Parry	Skogen
Carlson	Gerlach	Lynch	Pogemiller	Sparks
Chaudhary	Gimse	Marty	Prettner Solon	Stumpf
Clark	Hann	Metzen	Rest	Tomassoni
Cohen	Higgins	Michel	Robling	Torres Ray
Dahle	Ingebrigtsen	Moua	Rosen	Vickerman
Dibble	Johnson	Murphy	Rummel	Wiger
Dille	Kelash	Olseen	Saltzman	
Doll	Koch	Olson, G.	Saxhaug	

Those who voted in the negative were:

Jungbauer	Koering	Senjem	Vandever
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So the bill passed and its title was agreed to.

S.F. No. 3075: A bill for an act relating to employment; providing that negotiations must take place after joint powers agreements that affect the rights of employees covered by certain collective bargaining agreements; amending Minnesota Statutes 2008, section 471.59, subdivision 10.

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 50 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Kubly	Olson, M.	Sheran
Bakk	Doll	Langseth	Pappas	Sieben
Berglin	Erickson Ropes	Latz	Pogemiller	Skoe
Betzold	Fischbach	Lourey	Prettner Solon	Skogen
Bonoff	Fobbe	Lynch	Rest	Sparks
Carlson	Foley	Marty	Rosen	Stumpf
Chaudhary	Frederickson	Metzen	Rummel	Tomassoni
Clark	Gimse	Moua	Saltzman	Torres Ray
Cohen	Higgins	Murphy	Saxhaug	Vickerman
Dahle	Kelash	Olseen	Scheid	Wiger

Those who voted in the negative were:

Dille	Ingebrigtsen	Koch	Michel	Robling
Gerlach	Johnson	Koering	Ortman	Senjem
Hann	Jungbauer	Limmer	Parry	Vandevveer

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

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. 1323: A bill for an act relating to environment; modifying Infectious Waste Control Act; amending Minnesota Statutes 2008, section 116.78, subdivision 4.

Senate File No. 1323 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 26, 2010

CONCURRENCE AND REPASSAGE

Senator Sheran moved that the Senate concur in the amendments by the House to S.F. No. 1323 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1323: A bill for an act relating to environment; providing for safe sharps management; amending Minnesota Statutes 2008, section 116.76, subdivision 18; proposing coding for new law in Minnesota Statutes, chapter 116.

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 65 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Koering	Olson, G.	Saxhaug
Bakk	Fischbach	Kubly	Olson, M.	Scheid
Berglin	Fobbe	Langseth	Ortman	Senjem
Betzold	Foley	Latz	Pappas	Sheran
Bonoff	Frederickson	Limmer	Pariseau	Sieben
Carlson	Gerlach	Lourey	Parry	Skoe
Chaudhary	Gimse	Lynch	Pogemiller	Skogen
Clark	Hann	Marty	Prettner Solon	Sparks
Cohen	Higgins	Metzen	Rest	Stumpf
Dahle	Ingebrigtsen	Michel	Robling	Tomassoni
Dibble	Johnson	Moua	Rosen	Torres Ray
Dille	Jungbauer	Murphy	Rummel	Vickerman
Doll	Kelash	Olseen	Saltzman	Wiger

Those who voted in the negative were:

Vandev eer

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

RECESS

Senator Pogemiller 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.

APPOINTMENTS

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

S.F. No. 2737: Senators Skogen, Dille and Vickerman.

S.F. No. 2790: Senators Moua, Dille and Latz.

S.F. No. 2427: Senators Betzold, Ortman and Scheid.

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

94TH DAY]

WEDNESDAY, APRIL 28, 2010

10087

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 2:00 p.m., Monday, May 3, 2010. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

