

ONE HUNDRED FOURTEENTH DAY

St. Paul, Minnesota, Tuesday, May 1, 2012

The Senate met at 1:00 p.m. and was called to order by the President.

RECESS

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

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. David D. Colby.

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

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

Bakk	Gazelka	Koch	Nelson	Sheran
Benson	Gerlach	Koenen	Newman	Sieben
Bonoff	Gimse	Kruse	Nienow	Skoe
Brown	Goodwin	Langseth	Olson	Sparks
Carlson	Hall	Latz	Ortman	Stumpf
Chamberlain	Hann	Lillie	Pappas	Thompson
Cohen	Harrington	Limmer	Parry	Tomassoni
Dahms	Hayden	Lourey	Pederson	Torres Ray
Daley	Higgins	Magnus	Reinert	Vandever
DeKruif	Hoffman	Marty	Rest	Wiger
Dibble	Howe	McGuire	Robling	Wolf
Dziedzic	Ingebrigtsen	Metzen	Rosen	
Eaton	Jungbauer	Michel	Saxhaug	
Fischbach	Kelash	Miller	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 communication was received.

May 1, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committees and placed on the Confirmation Calendar:

From the Committee on Agriculture and Rural Economies, to which was referred the following appointment as reported in the Journal for May 11, 2011:

MINNESOTA RURAL FINANCE AUTHORITY
Marcus Knisely

From the Committee on Jobs and Economic Growth, to which was referred the following appointment as reported in the Journal for May 11, 2011:

WORKERS' COMPENSATION COURT OF APPEALS
Patricia Milun

Sincerely,
Cal R. Ludeman
Secretary of the Senate

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1656.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 30, 2012

Madam 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. 1653: A bill for an act relating to labor and industry; clarifying employee classification of independent contractors; providing pilot project for contractor registration; providing for penalties; amending Minnesota Statutes 2010, sections 181.723, subdivisions 1, 3, 4, 7, 15, 16, by adding subdivisions; 289A.31, subdivision 5; 299F.011, by adding a subdivision; 326B.081, subdivision 3; 326B.809; Minnesota Statutes 2011 Supplement, section 181.723, subdivision 5;

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repealing Minnesota Statutes 2010, sections 181.723, subdivisions 6, 8, 9, 10, 11, 12, 14, 17; 290.92, subdivision 31; Minnesota Rules, parts 5202.0100; 5202.0110; 5202.0120; 5202.0130; 5202.0140; 5202.0150; 5202.0160.

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

Sanders, Daudt and Nelson.

Senate File No. 1653 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 30, 2012

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1721:

H.F. No. 1721: A bill for an act relating to economic development; authorizing redevelopment demolition loans; eliminating a semiannual report; establishing a small business advocate office in the Business Assistance Center; granting Albert Lea the authority to establish an industrial sewer charge rebate program; amending Minnesota Statutes 2010, sections 116J.555, subdivision 2; 116J.571; 116J.572; 116J.575, by adding a subdivision; 116J.66; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Gunther, Murray and Mahoney have been appointed as such committee on the part of the House.

House File No. 1721 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 30, 2012

Senator Rosen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1721, 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.

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2269, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2269 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 30, 2012

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2269

A bill for an act relating to elections; determining funds for Help America Vote Act; appropriating money.

April 29, 2012

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 2269 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2269 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **SECRETARY OF STATE; HELP AMERICA VOTE ACT.**

(a) The following amounts are appropriated in fiscal year 2013 to the secretary of state from the account established in Minnesota Statutes, section 5.30, pursuant to the Help America Vote Act:

(1) \$50,000 for Military and Overseas Empowerment Act compliance; and

(2) \$120,000 for support for local election officials.

(b) \$580,000 is appropriated in fiscal year 2013 to the secretary of state from the account established in Minnesota Statutes, section 5.30, pursuant to the Help America Vote Act.

(c) The secretary of state must not make any reductions to the business services division to offset any reductions to election services."

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

House Conferees: Morrie Lanning, Carol McFarlane

Senate Conferees: Mike Parry, Theodore J. "Ted" Daley, Charles W. Wiger

Senator Parry moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2269 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2269 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Koenen	Nelson	Sieben
Bonoff	Gimse	Langseth	Newman	Skoe
Carlson	Goodwin	Latz	Olson	Sparks
Cohen	Hall	Lillie	Pappas	Stumpf
Dahms	Harrington	Limmer	Parry	Tomassoni
Daley	Hayden	Lourey	Pederson	Torres Ray
DeKruif	Higgins	Magnus	Reinert	Vanderveer
Dibble	Howe	Marty	Rest	Wiger
Dziedzic	Ingebrigtsen	McGuire	Robling	Wolf
Eaton	Jungbauer	Metzen	Rosen	
Fischbach	Kelash	Michel	Saxhaug	
Gazelka	Koch	Miller	Sheran	

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

MOTIONS AND RESOLUTIONS

Senator Koch introduced –

Senate Resolution No. 157: A Senate resolution congratulating Emily Peterson for receiving the Girl Scout Gold Award.

Referred to the Committee on Rules and Administration.

Senator Koch introduced –

Senate Resolution No. 158: A Senate resolution congratulating Alyssa Prior for receiving the Girl Scout Gold Award.

Referred to the Committee on Rules and Administration.

Senator Koch introduced –

Senate Resolution No. 159: A Senate resolution congratulating Joe Kasper for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Koch introduced –

Senate Resolution No. 160: A Senate resolution congratulating David Zaske for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Koch introduced –

Senate Resolution No. 161: A Senate resolution congratulating Kristian Dahlgren for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Koch introduced –

Senate Resolution No. 162: A Senate resolution congratulating John Dick for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Koch introduced –

Senate Resolution No. 163: A Senate resolution congratulating Charlie Stejskal for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Stumpf introduced –

Senate Resolution No. 164: A Senate resolution congratulating Kyle Possai of Thief River Falls, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Stumpf introduced –

Senate Resolution No. 165: A Senate resolution congratulating Brayden Drevlow for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

RECESS

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

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

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Senjem moved that H.F. No. 2685 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Senjem, Chair of the Committee on Rules and Administration, designated H.F. No. 2685 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2685: A bill for an act relating to transportation; modifying provisions governing transportation policy and finance, including trunk highway designation, work and contracting on trunk highways, motor vehicles, motor vehicle weight limit regulations, motor vehicle titles, electric-assisted bicycles and related regulations, bridge inspections, special veterans license plates, pupil transportation, municipal state-aid street fund eligibility and apportionment, small vehicle passenger service, driver and vehicle information system, deputy registrars of motor vehicles, civilian escort drivers, bicycle equipment, school buses, small business contracts, and legislative reports; making contingent appropriations; setting fees; renumbering statutes; making technical changes; amending Minnesota Statutes 2010, sections 160.27, by adding a subdivision; 160.2715; 161.14, by adding a subdivision; 161.20, subdivision 4; 161.321; 161.3212; 162.09, by adding a subdivision; 165.01; 165.03; 168.002, subdivisions 19, 20; 168.012, by adding a subdivision; 168.013, subdivision 3, by adding a subdivision; 168.185; 168A.03, subdivision 1; 168A.07, subdivision 1; 169.011, subdivisions 4, 27, 44, 45; 169.06, subdivision 4; 169.222, subdivisions 4, 6, 7, by adding subdivisions; 169.223, subdivisions 1, 5; 169.72, subdivision 1; 169.86, subdivision 3b; 169.872, subdivision 1a; 169.98, subdivisions 1, 3; 171.01, subdivision 41; 171.02, subdivision 2b; 174.03, subdivision 1b; 221.091, subdivision 2; 299D.085, subdivision 1, by adding a subdivision; 299D.09; 473.388, subdivisions 2, 4; 604A.21, subdivision 5; Minnesota Statutes 2011 Supplement, sections 168.12, subdivision 5; 168.123, subdivision 1; 171.075, subdivision 1; 299A.705, subdivision 3; Laws 2009, chapter 158, section 10; Laws 2011, First Special Session chapter 3, article 1, section 4; proposing coding for new law in Minnesota Statutes, chapters 161; 171; 375; repealing Minnesota Rules, parts 8810.9000; 8810.9100; 8810.9200; 8810.9300; 8810.9400; 8810.9500; 8810.9600; 8810.9700.

Senator Gimse moved to amend H.F. No. 2685 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2685, and insert the language after the enacting clause, and the title, of S.F. No. 2321, the third engrossment.

The motion prevailed. So the amendment was adopted.

Senator Gimse moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 54, delete section 67

Page 55, delete sections 68, 69, and 70

Page 56, delete section 71

Page 57, delete section 72

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Gimse moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 1, after line 24, insert:

**"ARTICLE 1
TRANSPORTATION POLICY"**

Page 61, after line 14, insert:

**"ARTICLE 2
TRUNK HIGHWAY FUND APPROPRIATIONS"**

Section 1. <u>TRUNK HIGHWAY APPROPRIATION</u>	\$	<u>17,530,000</u>
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Subdivision 1. Appropriation for Transportation

This appropriation is to the commissioner of transportation for the purposes specified in this section.

Unless otherwise specified, this appropriation is for fiscal year 2013 from the trunk highway fund and is available until expended.

Subd. 2. <u>Willmar District Headquarters</u>		<u>7,500,000</u>
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To design, construct, furnish, and equip a maintenance facility addition to the existing Willmar district headquarters building, and corresponding remodeling of the headquarters building.

Subd. 3. <u>Plymouth Truck Station</u>		<u>5,600,000</u>
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To construct and equip a new truck station and bridge crew building in Plymouth.

Subd. 4. <u>Cambridge Truck Station</u>		<u>3,300,000</u>
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To design, construct, furnish, and equip a new truck station facility in Cambridge, including ancillary buildings and site improvements.

**Subd. 5. Crookston, Eden Prairie, and Mendota
Truck Station Design**

1,100,000

To design new additions to the existing truck station buildings in Crookston, Eden Prairie, and Mendota.

**Subd. 6. Overweight Motor Vehicle Registration
Collection**

30,000

To modify Department of Transportation permit system to allow the department to collect additional registration taxes for overweight motor vehicles.

This appropriation is only available if legislation is enacted in the 2012 legislative session authorizing the commissioner to collect a surcharge or additional registration tax on motor vehicles.

Sec. 2. EFFECTIVE DATE.

This article is effective the day following final enactment.

ARTICLE 3

TRUNK HIGHWAY BONDS

Section 1. ROCHESTER MAINTENANCE FACILITY.

\$16,100,000 is appropriated to the commissioner of transportation to design, construct, furnish, and equip the maintenance facility in Rochester and corresponding remodeling of the existing district headquarters building. This appropriation is from the bond proceeds account in the trunk highway fund.

Sec. 2. FLOOD MITIGATION.

\$10,000,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of transportation to provide supplemental funds for one project that, prior to the effective date of this section, has been awarded or allocated funding under the department's flood mitigation program. Notwithstanding Minnesota Statutes, section 16A.642, this appropriation is available until expended.

Sec. 3. BOND SALE EXPENSES.

\$30,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of management and budget for bond sale expenses under Minnesota Statutes, section 167.50, subdivision 4.

Sec. 4. TRUNK HIGHWAY FUND BOND PROCEEDS ACCOUNT.

To provide the money appropriated in this article from the bond proceeds account in the trunk highway fund, the commissioner of management and budget shall sell and issue bonds of the state in an amount up to \$26,130,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received from the sale of the bonds, must be credited to the bond proceeds account in the trunk highway fund.

Sec. 5. **EFFECTIVE DATE.**

This article is effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Skoe moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 34, lines 11 and 24, delete the new language and insert ", livestock and poultry feed, seed, fertilizer, potash, and agricultural lime,"

The motion prevailed. So the amendment was adopted.

Senator Dahms moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 44, after line 24, insert:

"Sec. 59. Minnesota Statutes 2010, section 299D.085, subdivision 2, is amended to read:

Subd. 2. **Certificate.** Except as provided in subdivision 2a, no person may operate as an overdimensional load escort driver in this state without a certificate issued by the commissioner, or by a state with which the commissioner has entered into a reciprocal agreement. The commissioner shall assess a fee for each certificate applicant, calculated to cover the commissioner's cost of establishing and administering the program.

EFFECTIVE DATE. This section is effective the day following final enactment and expires on the December 31 that occurs immediately after two years following the publication in the State Register of rules adopted under Laws 2010, chapter 311, section 3, subdivision 5.

Sec. 60. Minnesota Statutes 2010, section 299D.085, is amended by adding a subdivision to read:

Subd. 2a. **Exceptions.** A person who is a minimum of 18 years of age, possesses a valid operator's license for the type of vehicle being operated, and meets vehicle and safety equipment standards specified by the commissioner may operate without a certificate as an overdimensional load escort driver when: (1) the load consists of manufactured homes, as defined in section 327.31, subdivision 6, or modular homes, as defined in section 272.02, subdivision 85, paragraph (c); (2) the load does not extend over the centerline of a roadway; and (3) the vehicle carrying the overdimensional load

is not routed to travel the wrong way on a roadway.

EFFECTIVE DATE. This section is effective the day following final enactment and expires on the December 31 that occurs immediately after two years following the publication in the State Register of rules adopted under Laws 2010, chapter 311, section 3, subdivision 5."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dibble moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 23, after line 32, insert:

"Sec. 32. Minnesota Statutes 2010, section 169.011, subdivision 4, is amended to read:

Subd. 4. **Bicycle.** "Bicycle" means every device propelled solely by human power upon which any person may ride, having two tandem wheels except scooters and similar devices and including any device generally recognized as a bicycle though equipped with two front or rear wheels. Bicycle includes an electric-assisted bicycle as defined in subdivision 27.

Sec. 33. Minnesota Statutes 2010, section 169.011, subdivision 45, is amended to read:

Subd. 45. **Motorized bicycle.** "Motorized bicycle" means a bicycle that is propelled by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic centimeters or less, and a maximum of two brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. ~~"Motorized bicycle" includes an electric-assisted bicycle as defined in subdivision 27."~~

Page 27, line 32, after "any" insert "two-wheeled"

Page 28, after line 3, insert:

"Sec. 37. Minnesota Statutes 2010, section 169.223, subdivision 5, is amended to read:

Subd. 5. **Other operation requirements and prohibitions.** (a) A person operating a motorized bicycle on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except in one of the following situations:

- (1) when overtaking and passing another vehicle proceeding in the same direction;
- (2) when preparing for a left turn at an intersection or into a private road or driveway; or

(3) when reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge.

(b) Persons operating motorized bicycles on a roadway may not ride more than two abreast and may not impede the normal and reasonable movement of traffic. On a laned roadway, a person operating a motorized bicycle shall ride within a single lane.

(c) This section does not permit the operation of a motorized bicycle on a bicycle path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic.

~~(d) Subject to the provisions of section 160.263, subdivision 3, a person may operate an electric-assisted bicycle on a bicycle lane. A person may operate an electric-assisted bicycle on the shoulder of a roadway if the electric-assisted bicycle is traveling in the same direction as the adjacent vehicular traffic."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Saxhaug moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 40, after line 29, insert:

"Sec. 55. Minnesota Statutes 2010, section 222.63, subdivision 9, is amended to read:

Subd. 9. **Rail bank property use; petty misdemeanors penalties.** (a) Except for the actions of road authorities and their agents, employees, and contractors, and of utilities, in carrying out their duties imposed by permit, law, or contract, and except as otherwise provided in this section, it is unlawful to knowingly perform any of the following activities on rail bank property:

- (1) obstruct any trail;
- (2) deposit snow or ice;
- (3) remove or place any earth, vegetation, gravel, or rock without authorization;
- (4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous materials;
- (5) erect a fence, or place or maintain any advertising, sign, or memorial, except upon authorization by the commissioner of transportation;
- (6) remove, injure, displace, or destroy right-of-way markers or reference or witness monuments or markers placed to preserve section or quarter-section corners defining rail bank property limits;
- (7) drive upon any portion of rail bank property, except at approved crossings, and except where authorized for snowmobiles, emergency vehicles, maintenance vehicles, or other vehicles authorized to use rail bank property;
- (8) deface, mar, damage, or tamper with any structure, work, material, sign, marker, paving, guardrail, drain, or any other rail bank appurtenance; ~~or~~
- (9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry on, across,

or over the limits of rail bank property;

(10) plow, disc, or perform any other detrimental operation; or

(11) place or maintain any permanent structure.

(b) Unless a greater penalty is provided elsewhere in statute, any a violation of this subdivision is a petty misdemeanor. A second or subsequent violation is a misdemeanor.

(c) The cost to remove, repair, or perform any other corrective action necessitated by a violation of this subdivision may be charged to the violator."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Gimse moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 3, delete section 2

Page 9, delete section 8

Page 17, delete sections 17 and 18

Page 19, delete sections 19 and 20

Page 20, delete sections 24, 25, and 26

Page 21, delete section 27

Page 22, delete section 28

Page 23, delete sections 29 and 31

Page 28, delete sections 35 and 36

Page 29, delete sections 37, 38, 39, and 40

Page 30, delete section 41

Page 46, delete sections 62 and 63

Page 48, delete sections 64 and 65

Page 54, delete section 66

Page 60, delete section 78

Page 61, delete section 80

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Michel moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 43, delete section 42 insert:

"Sec. 42. Minnesota Statutes 2010, section 169.79, subdivision 6, is amended to read:

Subd. 6. **Other motor vehicles.** If the motor vehicle is any kind of motor vehicle other than those provided for in subdivisions 2 to 4, one plate must be displayed ~~on the front and one~~ on the rear of the vehicle. The plate must be mounted on the rear bumper of the vehicle or on the back of the vehicle exterior in the place designed to hold a license plate."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Jungbauer moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 1, after line 24, insert:

"ARTICLE 1

TRANSPORTATION POLICY"

Page 61, after line 14, insert:

"ARTICLE 2

TRUNK HIGHWAY BONDING

Section 1. **APPROPRIATION; BOND SALE AUTHORIZATION.**

Subdivision 1. **Appropriation.** \$100,000,000 is appropriated from the bond proceeds account in the trunk highway fund in fiscal year 2013 to the commissioner of transportation for the actual construction, reconstruction, and improvement of trunk highways, including design-build contracts and consultant usage to support these activities. This includes the cost of actual payments to landowners for lands acquired for highway rights-of-way, payments to lessees, interest subsidies, and relocation expenses.

Subd. 2. **Bond sale expenses.** \$100,000 is appropriated from the bond proceeds account in the trunk highway fund in fiscal year 2013 to the commissioner of management and budget for bond sale expenses under Minnesota Statutes, sections 16A.641, subdivision 8, and 167.50, subdivision 4.

Subd. 3. **Bond sale authorization.** To provide the money appropriated in subdivisions 1 and 2 from the bond proceeds account in the trunk highway fund, the commissioner of management and budget shall sell and issue bonds of the state in an amount up to \$100,100,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received from the sale of the bonds, must be deposited in the bond proceeds account in the trunk highway fund.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.4, Senator Dibble questioned whether the Jungbauer amendment was in order. The President ruled the amendment was in order.

The question was taken on the adoption of the Jungbauer amendment. The motion did not prevail. So the amendment was not adopted.

Senator Sheran moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 44, line 23, after "effective" insert "retroactively"

Page 44, line 24, delete "July 1, 2012" and insert "January 1, 2011"

The motion prevailed. So the amendment was adopted.

Senator Kruse moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 14, after line 32, insert:

"Sec. 16. Minnesota Statutes 2010, section 165.01, is amended to read:

165.01 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section and section 160.02 have the meanings given them.

Subd. 2. **AASHTO manual.** "AASHTO manual" means the Manual for Condition Evaluation of Bridges, published by the American Association of State Highway and Transportation Officials. "The Manual for Bridge Evaluation," published by the American Association of State Highway and Transportation Officials, is incorporated by reference.

Subd. 3. **Bridge.** "Bridge" is defined as a structure, including supports erected over a depression or an obstruction, such as water, a highway, or a railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured horizontally along the center of the

roadway of ten feet or more between undercopings of abutments, between the spring line of arches, or between extreme ends of openings for multiple boxes. Bridge also includes multiple pipes where the clear distance between openings is less than one-half of the smaller contiguous opening. This definition of a bridge includes only those railroad and pedestrian bridges over a public highway or street.

Subd. 4. **National Bridge Inspection Standards (NBIS).** "NBIS" means standards established by the Federal Highway Administration in Code of Federal Regulations, title 23, part 650, subpart C, incorporated by reference.

Sec. 17. Minnesota Statutes 2010, section 165.03, is amended to read:

165.03 STRENGTH OF BRIDGE; INSPECTION.

Subdivision 1. **Standards generally.** Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under sections 169.822 to 169.829 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 1a. **Inspection.** (a) Each bridge must be inspected annually, unless a longer interval not to exceed ~~two years~~ 24 months for bridges or ~~four years~~ 48 months for bridges classified as culverts is authorized by the commissioner. The commissioner's authorization must be based on factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. The commissioner may require interim inspections at intervals of less than one year on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

(b) Additional requirements apply to structures meeting the NBIS definition of a bridge:

(1) Underwater structural elements must be inspected at regular intervals not to exceed 60 months. The commissioner may require inspections at intervals of less than 60 months on certain underwater structural elements based on factors including, but not limited to, construction material, the environment, age, the scour characteristics, the condition rating from past inspections, and any known deficiencies.

(2) Fracture critical members, or FCMs, must receive a hands-on fracture critical inspection at intervals not to exceed 24 months. The commissioner may require inspections at intervals of less than 24 months on certain FCMs based on factors including, but not limited to, age, the traffic characteristics, and any known deficiencies.

(3) The commissioner may establish criteria to determine the level and frequency of these inspections. If warranted by special circumstances, the commissioner retains the authority to determine the inspection type and required inspection frequency for any bridge on the state inventory.

~~(b)~~ (c) The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the

responsibility of the engineer assigned the responsibility for inspection as defined by ~~rule adopted~~ by the commissioner of transportation.

Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The commissioner of transportation will adopt the National Bridge Inspection Standards (NBIS) established by the Federal Highway Administration in Code of Federal Regulations, title 23, part 650, subpart C, or its successor documents for structures meeting the NBIS definition of a bridge. The commissioner shall establish inspection and inventory standards for structures defined as bridges by section 165.01, subdivision 3.

~~(a)~~ (b) The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the owners or highway authorities specified by this subdivision. Inspections must be made at regular intervals, not to exceed ~~two years for bridges and not to exceed four years for culverts~~ the intervals outlined in subdivision 1a, by the following owner or official:

(1) the commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway;

(2) the county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or town road, or any street within a municipality that does not have a city engineer regularly employed;

(3) the city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits;

(4) the commissioner of transportation in case of a toll bridge that is used by the general public and that is not inspected and certified under subdivision 6; provided, that the commissioner of transportation may assess the owner for the costs of the inspection;

(5) the owner of a bridge over a public highway or street or that carries a roadway designated for public use by a public authority, if not required to be inventoried and inspected under clause (1), (2), (3), or (4).

~~(b)~~ (c) The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules inspection and inventory procedures required to administer the bridge inspection program in Minnesota and has the authority to establish and publish standards that describe the inspection and inventory requirements to ensure compliance with paragraph (a). The owner or highway authority shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. **County inventory and inspection records and reports.** The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph ~~(a)~~ (b), clause (2), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed ~~two years for bridges and not to exceed four years for culverts~~ the intervals outlined in subdivision 1a. A report of the inspections must be filed annually, on or before February 15 of each year, with the county auditor or town clerk, or the governing body of the municipality. The report must contain recommendations for the correction of or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. **Municipal inventory and inspection records and reports.** The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph ~~(a)~~ (b), clause (3), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed ~~two years for bridges and not to exceed four years for culverts~~ the intervals outlined in subdivision 1a. A report of the inspections must be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report must contain recommendations for the correction of or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. **Agreement.** Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

Subd. 6. **Other bridges.** The owner of a toll bridge and the owner of a bridge described in subdivision 2, paragraph ~~(a)~~ (b), clause (5), shall certify to the commissioner, as prescribed by the commissioner, that inspections of the bridge or culvert have been made at regular intervals, not to exceed ~~two years for bridges and not to exceed four years for culverts~~ the intervals outlined in subdivision 1a. The certification must be accompanied by a report of the inspection. The report must contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

Subd. 6a. **Bridge load rating and posting.** (a) The term "posting" means the placement of regulatory signs at a bridge indicating the safe load carrying capacity of the bridge.

(b) Each structure required to be inspected by subdivision 2, paragraph (a), must be load rated to determine its safe load carrying capacity, and this rating must be reported on a structure inventory sheet form provided by the commissioner of transportation. A structure must be rerated when it is determined that a significant change has occurred in the condition of the structure or due to additional dead load placed on the structure since the last load rating. Load ratings must be reviewed and the structure rerated if necessary when the allowable legal load using the structure is increased. Changes in the load rating of a bridge must be indicated on the structure inventory sheet form.

(c) Where it is determined that the maximum legal load under state law exceeds the load permitted on the structure under the operating rating stress level assigned, the bridge must be posted. Posting signs as adopted by the commissioner shall be used for the posting. The owner or highway authority shall post the bridge in accordance with the posted load assigned by the commissioner.

Subd. 7. **Department of Natural Resources bridge.** (a) Notwithstanding subdivision 2, the commissioners of transportation and natural resources shall negotiate a memorandum of understanding that governs the inspection of bridges owned, operated, or maintained by the commissioner of natural resources.

(b) The memorandum of understanding must provide for:

- (1) the inspection and inventory of bridges subject to federal law or regulations;
- (2) the frequency of inspection of bridges described in ~~paragraph (a)~~ subdivision 1a; and
- (3) who may perform inspections required under the memorandum of understanding.

Subd. 8. **Biennial report on bridge inspection quality assurance.** By February 1 of each odd-numbered year, the commissioner shall submit a report electronically to the members of the senate and house of representatives committees with jurisdiction over transportation policy and finance concerning quality assurance for bridge inspections. At a minimum, the report must:

(1) summarize the bridge inspection quality assurance and quality control procedures used in Minnesota;

(2) identify any substantive changes to quality assurance and quality control procedures made in the previous two years;

(3) summarize and provide a briefing on findings from bridge inspection quality reviews performed in the previous two years;

(4) identify actions taken and planned in response to findings from bridge inspection quality reviews performed in the previous two years;

(5) summarize the results of any bridge inspection compliance review by the Federal Highway Administration; and

(6) identify actions in response to the Federal Highway Administration compliance review taken by the department in order to reach full compliance."

Page 61, line 13, before "Minnesota" insert "(a)"

Page 61, after line 14, insert:

"(b) Minnesota Rules, parts 8810.9000; 8810.9100; 8810.9200; 8810.9300; 8810.9400; 8810.9500; 8810.9600; and 8810.9700, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Latz moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 36, after line 16, insert:

"Sec. 51. Minnesota Statutes 2010, section 171.306, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have the meanings given them.

(b) "Ignition interlock device" or "device" means equipment that is designed to measure breath alcohol concentration and to prevent a motor vehicle's ignition from being started by a person whose breath alcohol concentration measures 0.02 or higher on the equipment.

(c) "Program participant" means a person who has qualified to take part in the ignition interlock program under this section and whose driver's license has been:

(1) revoked, canceled, or denied under section 169A.52, 169A.54, or 171.04, subdivision 1, clause (10), and who has qualified to take part in the ignition interlock program under this section;

(2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), (3), (4), (5), or (6), resulting in bodily harm or substantial bodily harm to another; or

(3) suspended under section 171.18, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), (3), (4), (5), or (6), resulting in bodily harm or substantial bodily harm to another.

(d) "Qualified prior impaired driving incident" has the meaning given in section 169A.03, subdivision 22.

EFFECTIVE DATE. This section is effective July 1, 2013.

Sec. 52. Minnesota Statutes 2010, section 171.306, subdivision 4, is amended to read:

Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D driver's license, subject to the applicable limitations and restrictions of this section, to a program participant who meets the requirements of this section and the program guidelines. The commissioner shall not issue a license unless the program participant has provided satisfactory proof that:

(1) a certified ignition interlock device has been installed on the participant's motor vehicle at an installation service center designated by the device's manufacturer; and

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device. The commissioner shall require the participant to present an insurance identification card, policy, or written statement as proof of insurance coverage, and may require the insurance identification card provided be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(b) A license issued under authority of this section must contain a restriction prohibiting the program participant from driving, operating, or being in physical control of any motor vehicle not equipped with a functioning ignition interlock device certified by the commissioner. A participant may drive an employer-owned vehicle not equipped with an interlock device while in the normal course and scope of employment duties pursuant to the program guidelines established by the commissioner and with the employer's written consent.

(c) A program participant whose driver's license has been revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), or (3), may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

(d) A program participant whose driver's license has been:

(1) revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1, clause ~~(4)~~, (5), ~~or (6)~~, or (7);

(2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), (3), (4), (5), or (6), resulting in bodily harm or substantial

bodily harm to another; or

(3) suspended under section 171.18, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), (3), (4), (5), or (6), resulting in bodily harm or substantial bodily harm to another;

may apply for a limited license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, and if the participant meets the other applicable requirements of section 171.30. After completing a licensed chemical dependency treatment or rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction. If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall cancel the driver's license, and the program participant may apply for another limited license according to this paragraph.

(e) A program participant whose driver's license has been:

(1) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), (3), (4), (5), or (6), resulting in bodily harm or substantial bodily harm to another; or

(2) suspended under section 171.18, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), (3), (4), (5), or (6), resulting in bodily harm or substantial bodily harm to another;

may apply for a limited license, subject to the ignition interlock restriction. After completing one year of limited license use without violating the conditions of limited license use or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

~~(e)~~ (f) Notwithstanding any statute or rule to the contrary, the commissioner has authority to determine when a program participant is eligible for restoration of full driving privileges, except that the commissioner shall not reinstate full driving privileges until the program participant has met all applicable prerequisites for reinstatement under section 169A.55 and until the program participant's device has registered no positive breath alcohol concentrations of 0.02 or higher during the preceding 90 days.

(g) A program participant who qualifies for participation in the ignition interlock program under paragraphs (c) and (e) is subject to paragraph (e). A program participant who qualifies for participation in the program under paragraphs (d) and (e) is subject to paragraph (d).

EFFECTIVE DATE. This section is effective July 1, 2012, except that paragraphs (e) and (g) and the other provisions relating to driver's license actions based on violations of section 609.21 are effective July 1, 2013."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 17, after line 32, insert:

"Sec. 18. Minnesota Statutes 2010, section 168.12, is amended by adding a subdivision to read:

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

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

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

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

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

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

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

(e) This subdivision is exempt from section 168.1293.

EFFECTIVE DATE. This section is effective January 1, 2013."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Kruse moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 3, after line 3, insert:

"Sec. 2. Minnesota Statutes 2010, section 16B.58, is amended by adding a subdivision to read:

Subd. 9. **Parking charge exemption for vehicles bearing certain special plates.** An operator of a passenger automobile, recreational motor vehicle, or one-ton pickup truck bearing special plates, or a motorcycle bearing a single special plate, must not be required to pay a rent, charge, or fee to park the vehicle in a visitor metered parking space in a parking lot or ramp that is administered by the Department of Administration within the boundary of the Capitol area as defined in section 15B.02 when visiting the Capitol area. A special plate is subject to the exemption in this subdivision if it is issued under section 168.12, subdivision 2c or 2d; 168.123; 168.124; 168.125; 168.1253; or 168.1255. This exemption does not apply to metered parking on public streets."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.5, Senator Latz questioned whether the Kruse amendment was in order. The President ruled the amendment was in order.

The question was taken on the adoption of the Kruse amendment. The motion did not prevail. So the amendment was not adopted.

Senator Sheran moved to amend H.F. No. 2685, as amended by the Senate May 1, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 2321.)

Page 3, after line 26, insert:

"Sec. 4. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision to read:

Subd. 71. **James W. Swanson Minnesota River Bridge.** Notwithstanding section 10.49, the bridge over the Minnesota River on Trunk Highway 169 in the city of Mankato is designated the "James W. Swanson Minnesota River Bridge." The commissioner of transportation shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

EFFECTIVE DATE. This section is effective the day following notification of its approval by the District 7 Area Transportation Partnership to the commissioner of transportation."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2685 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Benson	Daley	Gerlach	Hayden	Kelash
Bonoff	DeKruif	Gimse	Higgins	Koenen
Brown	Dibble	Goodwin	Hoffman	Kruse
Carlson	Eaton	Hall	Howe	Latz
Chamberlain	Fischbach	Hann	Ingebrigtsen	Lillie
Dahms	Gazelka	Harrington	Jungbauer	Limmer

Lourey	Miller	Parry	Saxhaug	Stumpf
Magnus	Nelson	Pederson	Senjem	Thompson
Marty	Newman	Reinert	Sheran	Torres Ray
McGuire	Nienow	Rest	Sieben	Vandever
Metzen	Olson	Robling	Skoe	Wiger
Michel	Pappas	Rosen	Sparks	Wolf

Those who voted in the negative were:

Bakk Cohen Tomassoni

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Gimse moved that S.F. No. 2321, No. 59 on General Orders be stricken and laid on the table. The motion prevailed.

RECESS

Senator Senjem 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 Senjem 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. 1755: Senators Gazelka, DeKruif and Daley.

H.F. No. 1721: Senators Rosen, Pederson and Skoe.

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

MEMBERS EXCUSED

Senators Chamberlain and Thompson were excused from the Session of today from 4:25 to 4:40 p.m. Senators Dziejdzic, Koch and Ortman were excused from the Session of today at 6:30 p.m. Senator Magnus was excused from the Session of today from 6:30 to 7:30 p.m. Senator Langseth was excused from the Session of today at 7:40 p.m.

ADJOURNMENT

Senator Senjem moved that the Senate do now adjourn until 3:00 p.m., Thursday, May 3, 2012.

Senator Bakk moved to amend the time on the Senjem motion to 12:00 noon, Wednesday, May 2, 2012.

The question was taken on the adoption of the Bakk motion.

The roll was called, and there were yeas 28 and nays 32, as follows:

Those who voted in the affirmative were:

Bakk	Harrington	Lourey	Rest	Stumpf
Bonoff	Hayden	Marty	Saxhaug	Tomassoni
Cohen	Higgins	McGuire	Sheran	Torres Ray
Dibble	Kelash	Metzen	Sieben	Wiger
Eaton	Koenen	Pappas	Skoe	
Goodwin	Latz	Reinert	Sparks	

Those who voted in the negative were:

Benson	Fischbach	Ingebrigtsen	Nelson	Senjem
Brown	Gerlach	Jungbauer	Newman	Thompson
Carlson	Gimse	Kruse	Nienow	Vandever
Chamberlain	Hall	Limmer	Olson	Wolf
Dahms	Hann	Magnus	Pederson	
Daley	Hoffman	Michel	Robling	
DeKruif	Howe	Miller	Rosen	

The motion did not prevail.

The question recurred on the adoption of the Senjem motion. The motion prevailed. So the Senate adjourned until 3:00 p.m., Thursday, May 3, 2012.

Cal R. Ludeman, Secretary of the Senate

