

EIGHTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 3, 2014

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Intern Pastor Ben Mandrick.

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

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 2, 2014

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

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

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2014	Date Filed 2014
	2665	152	8:59 a.m. April 2	April 2

Sincerely,
Mark Ritchie
Secretary of State

REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

Senator Latz from the Committee on Judiciary, to which was referred

H.F. No. 474: A bill for an act relating to data practices; classifying data related to automated license plate readers; requiring a log of use; requiring data to be destroyed in certain circumstances; amending Minnesota Statutes 2012, section 13.82, by adding a subdivision.

(Amended pursuant to Rule 45, adopted by the Senate May 18, 2013; the text of H.F. No. 474 is identical to S.F. No. 385.)

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 13.82, is amended by adding a subdivision to read:

Subd. 31. **Automated license plate reader.** (a) As used in this subdivision, "automated license plate reader" means an electronic device mounted on a law enforcement vehicle or positioned in a stationary location that is capable of recording data on, or taking a photograph of, a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement databases for investigative purposes.

(b) Data collected by an automated license plate reader are confidential data on individuals or protected nonpublic data if the data are or become active criminal investigative data.

(c) The following data collected by an automated license plate reader that are not classified under paragraph (b) are private data on individuals or nonpublic data:

(1) license plate numbers;

(2) date, time, and location data on vehicles; and

(3) pictures of license plates, vehicles, and areas surrounding the vehicles.

(d) Notwithstanding section 138.17, data collected by an automated license plate reader must be destroyed:

- (1) 90 days from the time of collection, if the data are classified under paragraph (c); or
- (2) upon request of a program participant under chapter 5B, at the time of collection or upon receipt of the request, whichever occurs later, unless the data are classified under paragraph (b).

Data on a request of a program participant under clause (2) are private data on individuals.

(e) A law enforcement agency that installs or uses an automated license plate reader must maintain a log of its use, including:

- (1) specific times of day that the reader actively collected data;
- (2) the aggregate number of vehicles or license plates on which data are collected for each period of active use; and
- (3) for a reader at a stationary location, the location at which the reader actively collected data.

Data in a log required under this paragraph are public.

(f) In addition to the log required under paragraph (e), the law enforcement agency must maintain records showing the date the data were collected and whether the data are classified under paragraph (b) or (c). The Department of Public Safety shall conduct a biennial audit of the records to determine whether data currently in the records are classified and destroyed as required under this subdivision and to verify compliance with paragraph (g). Data in the records required under this paragraph are classified as provided in paragraph (b) or (c). Summary results of the audit are public.

(g) A law enforcement agency must comply with sections 13.05, subdivision 5, and 13.055 in the operation of automated license plate readers and access to the data. The responsible authority for a law enforcement agency must establish procedures to ensure that law enforcement personnel have access to the data only if authorized in writing by the chief of police, sheriff, or head of the law enforcement agency, or their designee, to obtain access to data collected by an automated license plate reader for a specific law enforcement purpose.

(h) Within ten days of the installation or current use of an automated license plate reader, a law enforcement agency must notify the Bureau of Criminal Apprehension of any fixed location of a stationary automated license plate reader and, if applicable, if the agency uses any other automated license plate reader. The Bureau of Criminal Apprehension must maintain a list of law enforcement agencies using automated license plate readers, including locations of any fixed stationary automated license plate readers, except to the extent that the location of the reader is security information, as defined in section 13.37. This list is accessible to the public and must be available on the bureau's Web site.

EFFECTIVE DATE. This section is effective the day following final enactment. Data collected before the effective date of this section must be destroyed, if required by this section, no later than 15 days after the date this section becomes effective."

Amend the title accordingly

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

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

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

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

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

S.F. No. 874: A bill for an act relating to forfeiture; requiring a conviction for judicial forfeiture of property associated with controlled substance offenses and vehicles used in drive-by shootings; eliminating presumption for administrative forfeiture; amending Minnesota Statutes 2012, sections 609.531, subdivision 6a; 609.5313; 609.5314, subdivisions 2, 3; 609.5316, subdivision 3; 609.5318, subdivision 1; repealing Minnesota Statutes 2012, section 609.5314, subdivision 1.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2012, section 609.531, subdivision 6a, is amended to read:

Subd. 6a. **Forfeiture a civil procedure; conviction results in presumption required.** (a) An action for forfeiture is a civil in rem action and is independent of any criminal prosecution, except as provided in this subdivision ~~and section 609.5318.~~

(b) An asset is subject to a ~~designated offense~~ forfeiture by judicial determination under ~~section 609.5312~~ sections 609.5311 to 609.5318 only if the underlying ~~designated offense~~ is established by proof of a criminal conviction.

(1) a person is convicted of the criminal offense related to the action for forfeiture; or

(2) a person is not charged with a criminal offense under chapter 152 related to the action for forfeiture based in whole or in part on the person's agreement to provide information regarding the criminal activity of another person.

For purposes of clause (1), an admission of guilt to an offense chargeable under chapter 152, a sentence under section 152.152, a stay of adjudication under section 152.18, or a referral to a diversion program for an offense chargeable under chapter 152 is considered a conviction.

(c) The appropriate agency handling the judicial forfeiture has the benefit of the evidentiary presumption of section 609.5314, subdivision 1, for forfeitures related to controlled substances may introduce into evidence in the judicial forfeiture case in civil court the agreement in paragraph (b), clause (2).

(d) For all other forfeitures, The appropriate agency handling the judicial forfeiture bears the burden of proving the act or omission by clear and convincing evidence that the property is an instrument or represents the proceeds of the underlying offense.

(e) A court may not issue an order of forfeiture under section 609.5311 while the alleged owner of the property is in custody and related criminal proceedings are pending against the alleged owner. As used in this paragraph, the alleged owner is:

~~(1) for forfeiture of a motor vehicle, the registered owner according to records of the Department of Public Safety;~~

~~(2) for real property, the owner of record; and~~

~~(3) for other property, the person notified by the prosecuting authority in filing the forfeiture action.~~

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to crimes committed on or after that date.

Page 2, delete section 2

Page 3, delete section 3

Page 5, delete section 7

Page 5, lines 3, 18, and 30, delete "2013" and insert "2014"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after "to" and insert "criminal justice; modifying judicial forfeiture provisions;"

Page 1, delete line 3

Page 1, line 4, delete everything before "amending"

Amend the title numbers accordingly

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

Senator Torres Ray from the Committee on Education, to which was referred the following appointment:

BOARD OF THE MINNESOTA STATE ACADEMIES

Jan Bailey

Reports the same back with the recommendation that the appointment be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Torres Ray from the Committee on Education, to which were referred the following appointments:

BOARD OF THE PERPICH CENTER FOR ARTS EDUCATION

Susan Mau-Larson

Mathew Ollig

Christopher Paul

Luayn Ruch-Hammond

Martha West

Reports the same back with the recommendation that the appointments be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Torres Ray from the Committee on Education, to which was referred the following appointment:

BOARD OF TEACHING
Anne Krafthefer

Reports the same back with the recommendation that the appointment be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Marty from the Committee on Environment and Energy, to which were referred the following appointments:

CLEAN WATER COUNCIL
Pamela Blixt
Sharon Doucette
Patrick Flowers
Robert Hoefert
Gene Merriam
Victoria Reinhardt
Patrick Shea
Deborah Swackhamer
John Underhill

Reports the same back with the recommendation that the appointments be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Marty from the Committee on Environment and Energy, to which was referred the following appointment:

MINNESOTA ENVIRONMENTAL QUALITY BOARD
Kristin Eide-Tollefson

Reports the same back with the recommendation that the appointment be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Marty from the Committee on Environment and Energy, to which were referred the following appointments:

MINNESOTA POLLUTION CONTROL AGENCY
Kathryn Draeger
Daniel Foley
James Riddle

Reports the same back with the recommendation that the appointments be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 2466 and 874 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 474 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Fischbach introduced—

S.F. No. 2948: A bill for an act relating to water; modifying groundwater appropriation permit requirements; amending Minnesota Statutes 2012, section 103G.287, subdivision 2.

Referred to the Committee on Environment and Energy.

Senator Schmit introduced—

S.F. No. 2949: A bill for an act relating to taxation; property; exempting certain property used to provide services to school district employees from taxation; amending Minnesota Statutes 2012, section 272.02, subdivision 42; Minnesota Statutes 2013 Supplement, section 272.01, subdivision 2.

Referred to the Committee on Taxes.

Senator Franzen introduced—

S.F. No. 2950: A bill for an act relating to education; amending the process for detachment and annexation of school district lands; amending Minnesota Statutes 2012, section 123A.45.

Referred to the Committee on Education.

Senators Saxhaug, Stumpf, Dziedzic and Franzen introduced—

S.F. No. 2951: A bill for an act relating to capital investment; appropriating money for military affairs and veterans affairs capital projects; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Pederson, J. moved that his name be stricken as a co-author to S.F. No. 658. The motion prevailed.

Senator Rosen moved that her name be stricken as a co-author to S.F. No. 1082. The motion prevailed.

Senator Hayden moved that the name of Senator Sieben be added as a co-author to S.F. No. 1775. The motion prevailed.

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

Senator Eken moved that the name of Senator Nelson be added as a co-author to S.F. No. 2850. The motion prevailed.

Senator Fischbach moved that S.F. No. 2939 be withdrawn from the Committee on Finance and returned to its author. The motion prevailed.

Senator Rest moved that S.F. No. 2917 be withdrawn from the Committee on Rules and Administration and returned to its author. The motion prevailed.

Senator Franzen introduced –

Senate Resolution No. 198: A Senate resolution honoring Catherine Landrum for being named a National Merit Scholarship Program Commended Student.

Referred to the Committee on Rules and Administration.

Senator Schmit introduced –

Senate Resolution No. 199: A Senate resolution congratulating Darrick Jackson of Red Wing, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated H.F. No. 826 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 826: A bill for an act relating to education; providing for safe and supportive schools; authorizing rulemaking; amending Minnesota Statutes 2012, sections 120B.36, subdivision 1; 121A.55; 121A.69, subdivision 3; 122A.60, subdivisions 1a, 3; 124D.10, subdivision 8; 124D.895, subdivision 1; 124D.8955; 125B.15; 127A.42, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 121A; 127A; repealing Minnesota Statutes 2012, sections 121A.03; 121A.0695.

Senator Nelson moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [121A.031] SCHOOL BULLYING PROHIBITION POLICY.

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

(b) "Bullying" means conduct that occurs in a school, on school district or charter school premises, in a school bus or school vehicle owned or leased by a district or charter school, or at any activity or event sanctioned or sponsored by a school or school district and that:

(1) is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;

(2) places the student in actual and reasonable fear of harm;

(3) places the student in actual and reasonable fear of damage to property of the student; or

(4) substantially disrupts the orderly operation of the school.

(c) "Conduct" includes the use of technology or other electronic media.

(d) "School" means a public school under section 120A.22, subdivision 4, or charter school under section 124D.10.

Subd. 2. **Policy development.** (a) Before September 1, 2014, each school district and charter school must adopt a policy providing that while at a school, on school district or charter school premises, in a school bus or school vehicle owned or leased by a district or charter school, or at any activity or event sanctioned or sponsored by a school or school district, a student may not engage in bullying or engage in reprisal or retaliation against:

(1) a victim of bullying;

(2) an individual who witnesses an alleged act of bullying;

(3) an individual who reports an alleged act of bullying; or

(4) an individual who provides information about an alleged act of bullying.

(b) In developing the bullying prohibition policy required by this section, a school district or charter school shall involve parents, school district or charter school employees, volunteers, and students.

Subd. 3. **Policy requirements.** (a) The policy required by this section must:

(1) include a definition of bullying that at least encompasses the conduct described in subdivision 1;

(2) establish procedures for reporting and documenting alleged acts of bullying, reprisal, or retaliation;

(3) establish procedures, including timelines, for school district or charter school personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;

(4) protect information in an investigative report, consistent with section 13.32 and related law, and establish a schedule for retention and destruction of data related to incidents of prohibited conduct, including expedited destruction of data related to allegations of prohibited conduct determined to be without factual basis, and destruction of all data gathered under this section when the student reaches the age of 18 or no longer attends school, whichever is later;

(5) set forth the disciplinary measures applicable to an individual who engaged in bullying or who engaged in reprisal or retaliation, as required in subdivision 2;

(6) require the notification of law enforcement personnel if an investigation by school district or charter school personnel results in a reasonable suspicion that a crime has occurred;

(7) establish strategies to protect a victim of bullying, reprisal, or retaliation;

(8) establish disciplinary measures to be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation; and

(9) in accordance with federal and state law, require notifying the parent or legal guardian of a student allegedly bullied and the parent or legal guardian of a student allegedly bullying when school personnel receive a report of prohibited conduct, throughout and upon completion of the investigation, and upon determining the course of disciplinary action, if any.

(b) Each school district or charter school shall review and revise its policy as it determines necessary.

Subd. 4. **Policy dissemination.** A school shall ensure that the policy is explained to and discussed with its students and school personnel who have direct contact with students. The policy must be readily available, included in each school's student and personnel handbooks on school policies, and posted on the district or charter school's official Web site. Each school district or charter school shall provide information regarding the prevention of bullying to all volunteers and nonlicensed personnel who have direct contact with students.

Subd. 5. **Prevention programs.** Each school district or charter school shall provide bullying prevention programs to all students from kindergarten through grade 12.

Subd. 6. **Causes of action.** This section does not prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This section does not create or alter any civil cause of action for monetary damages against any person or school district, nor does this section constitute grounds for any claim or motion raised by either the state or a defendant in any proceedings.

Subd. 7. **Immunity.** (a) An individual who promptly, reasonably, and in good faith reports an incident of bullying, reprisal, or retaliation to the school district or charter school employee or official designated in the school bullying prohibition policy is immune from civil or criminal liability resulting from or relating to the report and the resulting proceedings.

(b) A school district or charter school and its employees and volunteers are immune from any liability that might otherwise be incurred as a result of a student having been the recipient of bullying if the school district or charter school implemented a bullying prohibition policy as required in this section and substantially complied with that policy.

Sec. 2. Minnesota Statutes 2012, section 122A.60, subdivision 3, is amended to read:

Subd. 3. Staff development outcomes. The advisory staff development committee must adopt a staff development plan for improving student achievement. The plan must be consistent with education outcomes that the school board determines. The plan must include ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:

(1) improve student achievement of state and local education standards in all areas of the curriculum by using best practices methods;

(2) effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, and gifted children, within the regular classroom and other settings;

(3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse student population that is consistent with the state education diversity rule and the district's education diversity plan;

(4) improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district;

(5) effectively teach and model violence prevention policy and curriculum that address the school's bullying prohibition policy under section 121A.031, early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution;

(6) effectively deliver digital and blended learning and curriculum and engage students with technology; and

(7) provide teachers and other members of site-based management teams with appropriate management and financial management skills.

Sec. 3. REPEALER.

Minnesota Statutes 2012, section 121A.0695, is repealed for the 2014-2015 school year and later."

Amend the title accordingly

CALL OF THE SENATE

Senator Hann imposed a call of the Senate for the balance of the proceedings on H.F. No. 826. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 30 and nays 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Clausen moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 3, line 8, delete the first "a" and insert "any" and after "students" insert ", including those"

Page 3, line 9, delete "age,"

Page 3, line 21, delete "climate" and insert "safety technical assistance"

Page 4, line 1, delete "climate" and insert "safety technical assistance"

Page 5, line 25, after the semicolon, insert "and"

Page 6, line 13, delete "climate" and insert "safety technical assistance"

Page 11, line 27, delete "CLIMATE" and insert "SAFETY TECHNICAL ASSISTANCE"

Page 12, line 35, delete "climate" and insert "safety technical assistance"

Page 13, line 4, delete "school climate" and delete "does not expire" and insert "expires on June 30, 2019"

Page 13, line 5, delete "CLIMATE" and insert "SAFETY TECHNICAL ASSISTANCE"

Page 13, line 6, delete "climate" and insert "safety technical assistance"

Page 14, line 17, delete "climate" and insert "safety technical assistance"

Page 14, after line 18, insert:

"(f) The center is voluntary and advisory. The center does not have enforcement, rulemaking, oversight, or regulatory authority.

(g) The center expires on June 30, 2019."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 60 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Brown	Hann
Benson	Chamberlain	Thompson

The motion prevailed. So the amendment was adopted.

Senator Nelson moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 1, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Pederson, J.	Schmit
Benson	Hall	Miller	Petersen, B.	Senjem
Bonoff	Hann	Nelson	Pratt	Sparks
Brown	Housley	Newman	Reinert	Stumpf
Chamberlain	Ingebrigtsen	Nienow	Rest	Thompson
Dahms	Kiffmeyer	Ortman	Rosen	Weber
Fischbach	Koenen	Osmek	Ruud	Westrom

Those who voted in the negative were:

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

The motion prevailed. So the amendment was adopted.

Senator Pratt moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 3, line 20, delete everything after the period

Page 3, delete lines 21 to 24

Page 3, line 35, delete everything after the period

Page 4, delete line 1

Page 4, line 2, delete everything before "The"

Page 6, line 13, delete everything after the period

Page 6, delete line 14

Page 6, line 15, delete everything before "Districts"

Page 11, delete section 7

Page 13, delete section 8

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Chamberlain moved to amend the Pratt amendment to H.F. No. 826 as follows:

Page 1, after line 10, insert:

"Page 7, delete lines 10 to 17"

The question was taken on the adoption of the Chamberlain amendment to the Pratt amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The question recurred on the adoption of the Pratt amendment.

Senator Metzen moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Limmer moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 5, line 31, delete the period and insert "and"

Page 5, after line 31, insert:

"(11) allow the alleged actor in an investigation of prohibited conduct to present a defense and to confront any witnesses."

Senator Bonoff moved to amend the Limmer amendment to H.F. No. 826 as follows:

Page 1, line 6, delete everything after "defense" and insert a period

The question was taken on the adoption of the Bonoff amendment to the Limmer amendment.

Senator Metzen moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Chamberlain	Ingebrigtsen	Nienow	Senjem
Benson	Hall	Limmer	Ortman	Thompson
Brown	Hann	Newman	Osmek	

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

The question recurred on the Limmer amendment, as amended.

Senator Metzen moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 38 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Franzen	Koenen	Osmek	Sparks
Benson	Gazelka	Latz	Pederson, J.	Stumpf
Bonoff	Goodwin	Limmer	Petersen, B.	Thompson
Brown	Hall	Miller	Pratt	Tomassoni
Chamberlain	Hann	Nelson	Rosen	Weber
Dahms	Housley	Newman	Ruud	Westrom
Eken	Ingebrigtsen	Nienow	Schmit	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dibble	Jensen	Pappas	Skoe
Carlson	Dziedzic	Johnson	Reinert	Torres Ray
Champion	Eaton	Kent	Rest	Wiger
Clausen	Lourey	Lourey	Saxhaug	Wiklund
Cohen	Hayden	Marty	Scalze	
Dahle	Hoffman	Metzen	Sheran	

The motion prevailed. So the Limmer amendment, as amended, was adopted.

Senator Housley moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 5, line 19, after "appropriate" insert "and with informed consent of the parent"

The question was taken on the adoption of the amendment.

Senator Metzen moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 27 and nays 38, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Chamberlain moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 6, after line 6, insert:

"(c) The policy must not infringe upon a student's first amendment rights or prohibit a student from expressing a religious, philosophical, moral, or political viewpoint to the extent the student's expression does not materially and substantially disrupt the learning environment."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 39, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Limmer moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 5, line 31, delete the period and insert "; and"

Page 5, after line 31, insert:

"(11) inform affected students and their parents of their rights under state and federal data practices laws to obtain access to data related to the incident and their right to contest the accuracy or completeness of the data."

The motion prevailed. So the amendment was adopted.

Senator Westrom moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 3, line 17, before the period, insert "or knowingly making a false report about bullying"

The motion prevailed. So the amendment was adopted.

Senator Senjem moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 3, line 17, after the period, insert "Prohibited conduct does not include student athlete participation in collision contact sports or limited contact sports."

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

Senator Hann moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 5, line 6, delete "at the school administrator's discretion and"

Page 5, line 8, delete "presumption that a"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Hann moved to amend H.F. No. 826, the unofficial engrossment, as follows:

Page 1, line 22, after "POLICY" insert "; PILOT PROJECT"

Page 2, before line 1, insert:

"Subdivision 1. **Pilot project.** The commissioner must establish a two-year pilot project for up to nine school districts and the Minneapolis school district to implement a student bullying policy

under this section. A district may submit an application to the commissioner who may approve or deny applications taking into account district size and geographical diversity."

Page 3, line 20, delete everything after the period

Page 3, delete lines 21 to 24

Page 3, line 30, delete everything after "5" and insert a period

Page 3, delete line 31

Page 3, line 35, delete everything after the period

Page 4, delete line 1

Page 4, line 2, delete everything before "The"

Page 6, delete lines 30 to 36

Page 7, delete lines 1 to 21

Page 7, after line 27, insert:

"Subd. 8. **Waiver.** School districts that have a prohibited conduct policy under this section are not required to have an additional policy under section 121A.0695.

Subd. 9. **Report.** By December 1, 2016, the commissioner must report to the legislative committees having jurisdiction over kindergarten through grade 12 education funding and policy. The report must include an analysis of the types and frequency of bullying in pilot and nonpilot school districts that choose to participate over the two-year period. The commissioner must use existing department resources to complete the report."

Page 7, line 28, delete everything after "2014-2015" and insert "and 2015-2016 school years."

Page 7, delete line 29

Page 8, delete section 4

Page 9, delete section 5

Page 10, delete section 6

Page 11, delete section 7

Page 13, delete section 8

Page 14, delete section 9

Renumber the subdivisions and sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson

Benson

Brown

Chamberlain

Dahms

Fischbach	Kiffmeyer	Nienow	Rosen	Weber
Gazelka	Koenen	Ortman	Ruud	Westrom
Hall	Limmer	Osmek	Senjem	
Hann	Miller	Pederson, J.	Sparks	
Housley	Nelson	Petersen, B.	Stumpf	
Ingebrigtsen	Newman	Pratt	Thompson	

Those who voted in the negative were:

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

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

H.F. No. 826 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 36 and nays 31, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Dahle moved that his name be stricken as a co-author to S.F. No. 1775. The motion prevailed.

Senator Hayden moved that the names of Senators Eaton and Tomassoni be added as co-authors to S.F. No. 1775. The motion prevailed.

MEMBERS EXCUSED

Senator Dahms was excused from the Session of today from 1:30 to 1:45 p.m. Senator Weber was excused from the Session of today from 2:20 to 2:55 p.m. Senator Ruud was excused from the

Session of today from 3:15 to 3:25 p.m. Senator Sieben was excused from the Session of today from 3:20 to 3:40 p.m. Senator Bakk was excused from the Session of today from 3:20 to 3:50 p.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Friday, April 4, 2014. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate