

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

 FORTY-NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 5, 2011

The House of Representatives convened at 12:30 p.m. and was called to order by Greg Davids, Speaker pro tempore.

Prayer was offered by the Reverend Joann Lee, House of Hope Presbyterian Church, St. Paul, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dean	Hancock	Kriesel	Morrow	Scalze
Anderson, B.	Dettmer	Hansen	Laine	Mullery	Schomacker
Anderson, D.	Dill	Hausman	Lanning	Murdock	Scott
Anderson, P.	Dittrich	Hayden	Leidiger	Murphy, E.	Shimanski
Anderson, S.	Doepke	Hilstrom	LeMieur	Murphy, M.	Simon
Anzelc	Downey	Hilty	Lenczewski	Murray	Slawik
Atkins	Drazkowski	Holberg	Lesch	Myhra	Slocum
Banaian	Eken	Hoppe	Liebling	Nelson	Smith
Barrett	Erickson	Hornstein	Lillie	Nornes	Stensrud
Beard	Fabian	Hortman	Loeffler	Norton	Swedzinski
Benson, M.	Falk	Hosch	Lohmer	O'Driscoll	Thissen
Bills	Franson	Howes	Loon	Paymar	Tillberry
Brynaert	Fritz	Huntley	Mack	Pelowski	Torkelson
Buesgens	Garofalo	Johnson	Mahoney	Peppin	Urdahl
Carlson	Gauthier	Kahn	Mariani	Persell	Vogel
Champion	Gottwalt	Kath	Marquart	Petersen, B.	Wagenius
Clark	Greene	Kelly	Mazorol	Peterson, S.	Ward
Cornish	Greiling	Kieffer	McDonald	Poppe	Wardlow
Crawford	Gruenhagen	Kiel	McElpatrick	Quam	Westrom
Daudt	Gunther	Kiffmeyer	McFarlane	Rukavina	Winkler
Davids	Hackbarth	Knuth	McNamara	Runbeck	Woodard
Davnie	Hamilton	Koenen	Melin	Sanders	

A quorum was present.

Benson, J., was excused.

Zellers was excused until 2:15 p.m. Moran was excused until 3:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

There being no objection, Dean moved that H. F. No. 874, now on the Consent Calendar, be placed on the General Register. The motion prevailed.

Dean moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Davids.

Carlson was excused between the hours of 2:00 p.m. and 3:00 p.m.

Hamilton was excused between the hours of 2:00 p.m. and 3:10 p.m.

REPORTS OF CHIEF CLERK

S. F. No. 1134 and H. F. No. 1445, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Liebling moved that S. F. No. 1134 be substituted for H. F. No. 1445 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 371, A bill for an act relating to insurance; requiring local government employees to approve participation in or withdrawal from the public employees insurance program; amending Minnesota Statutes 2010, sections 43A.316, subdivision 5; 471.611, subdivision 2.

Reported the same back without recommendation.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 718, A bill for an act relating to civil rights; requiring notices of restoration of civil rights and of possible loss of civil rights; excluding incarcerated offenders from receiving absentee ballots; amending Minnesota Statutes 2010, section 203B.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 201; 243; 630.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 834, A bill for an act relating to insurance; making changes in the public employee insurance program administrated by Minnesota Management and Budget for local government employees; requiring that the program pay certain taxes and assessments on the same basis as private sector health insurers; amending Minnesota Statutes 2010, sections 43A.316, subdivisions 9, 10; 62E.02, subdivision 23; 62E.10, subdivision 1; 297I.05, subdivision 12; repealing Minnesota Statutes 2010, section 297I.15, subdivision 3.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 859, A bill for an act relating to insurance; prohibiting motor vehicle insurance companies from restricting an insured's choice of rental vehicle company as a source of a temporary replacement vehicle; requiring that insurers inform insureds of that right; amending Minnesota Statutes 2010, section 72A.201, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 65B.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 5, delete lines 20 to 22 and insert:

"(17) failing to inform an insured making a claim under collision or comprehensive coverage, that includes rental vehicle reimbursement coverage, of the insured's right to select any rental vehicle company. If the insurer recommends a rental vehicle company to their insured, the insurer must also provide the following advisory: "Minnesota law gives you the right to choose any rental vehicle company, and prohibits me from requiring you to choose a particular vendor.""

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 and 4

Page 1, line 5, delete "right;" and insert "requiring auto insurers to inform certain insureds of the right to select any rental vehicle; requiring an advisory;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Garofalo from the Committee on Education Finance to which was referred:

H. F. No. 945, A bill for an act relating to education; modifying teacher evaluations and tenure; requiring reports; amending Minnesota Statutes 2010, sections 120B.35, subdivision 1; 120B.36, subdivision 1; 122A.40, subdivisions 5, 6, 7, 8, 9, 10, 11, by adding a subdivision; 122A.41, subdivisions 2, 3, 4, 5, 6, 14; 122A.60; 122A.61, subdivision 1; 123B.09, subdivision 8; 123B.143, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 122A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1
TEACHER EVALUATION AND PROFESSIONAL DEVELOPMENT

Section 1. Minnesota Statutes 2010, section 120B.35, subdivision 1, is amended to read:

Subdivision 1. **School and student indicators of growth and achievement.** The commissioner must develop and implement a system for measuring and reporting academic achievement and individual student growth, consistent with the statewide educational accountability and reporting system. The system components must measure and separately report the adequate yearly progress of schools and the growth of individual students: students' current achievement in schools under subdivision 2; and individual students' educational growth over time under subdivision 3. The commissioner annually must report a student's growth and progress toward grade-level proficiency under section 120B.299 as it relates to applicable state academic standards and the statewide assessments aligned with those standards. The system also must include statewide measures of student academic growth that identify schools with high levels of growth, and also schools with low levels of growth that need improvement. When determining a school's effect, the data must include both statewide measures of student achievement and, to the extent annual tests are administered, indicators of achievement growth that take into account a student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. Indicators that take into account a student's prior achievement must not be used to disregard a school's low achievement or to exclude a school from a program to improve low achievement levels.

EFFECTIVE DATE. This section is effective July 1, 2012, and applies to growth data beginning in the 2012-2013 school year.

Sec. 2. Minnesota Statutes 2010, section 122A.40, subdivision 6, is amended to read:

Subd. 6. **Professional development and mentoring for probationary teachers.** (a) A school board and the exclusive representative of the teachers in the district must collaborate in establishing a professional development model for probationary teachers, consistent with subdivision 8, that uses a district's professional development resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to improve teaching and learning.

(b) A school board and an exclusive representative of the teachers in the district must develop a probationary teacher peer review process through joint agreement. The process may include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later.

Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 8, is amended to read:

Subd. 8. **Professional development and peer coaching for continuing contract teachers.** (a) A school board and the exclusive representative of the teachers in the district must collaborate in establishing a professional development model for continuing contract teachers, consistent with subdivision 6, that uses a district's professional development resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to improve teaching and learning.

(b) A school board and an exclusive representative of the teachers in the district shall develop a peer review process for continuing contract teachers through joint agreement. The process may include having trained observers serve as peer coaches or having teachers participate in professional learning communities.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later.

Sec. 4. Minnesota Statutes 2010, section 122A.41, subdivision 3, is amended to read:

Subd. 3. **Professional development and mentoring for probationary teachers.** (a) A school board and the exclusive representative of the teachers in the district must collaborate in establishing a professional development model for probationary teachers, consistent with subdivision 5, that uses a district's professional development resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to improve teaching and learning.

(b) A board and an exclusive representative of the teachers in the district must develop a probationary teacher peer review process through joint agreement. The process may include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later.

Sec. 5. Minnesota Statutes 2010, section 122A.41, subdivision 5, is amended to read:

Subd. 5. **Professional development and peer coaching for continuing contract teachers.** (a) A school board and the exclusive representative of the teachers in the district must collaborate in establishing a professional development model for probationary teachers, consistent with subdivision 3, that uses a district's professional development resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to improve teaching and learning.

(b) A school board and an exclusive representative of the teachers in the district must develop a peer review process for nonprobationary teachers through joint agreement. The process may include having trained observers serve as peer coaches or having teachers participate in professional learning communities.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later.

Sec. 6. **[122A.411] TEACHER EVALUATIONS.**

Subdivision 1. **Evaluation structure.** A teacher evaluation structure is established to provide information about teacher effectiveness for teachers under section 122A.06, subdivision 2, districts, and charter schools to use in developing and improving teacher performance and student learning. The three-part structure contains:

(1) a teacher appraisal framework that identifies performance measures for determining teacher effectiveness;

(2) a mechanism for translating the performance data into a five-part teacher effectiveness rating scale; and

(3) a four-tier status designation that identifies teachers as standard, advanced, distinguished, or exemplary based on a teacher's effectiveness rating over time.

Subd. 2. Teacher appraisal framework. (a) Each school district and charter school must create and implement a teacher appraisal framework. The framework must translate performance measures and scores under this subdivision into five performance effectiveness rating scores where "5" is the highest rating and "1" is the lowest rating. The department, in collaboration with the Board of Teaching, must make available to districts and charter schools appraisal frameworks and other materials from evidence-based sources to assist districts and charter schools in implementing an appraisal framework, consistent with this section.

(b) If statewide assessment results are available under section 120B.35, these results are the basis for 50 percent of a teacher's total appraisal.

(c) If statewide assessment results are unavailable, 40 percent of a teacher's total appraisal must consist of results from districtwide assessments of state and local standards and another ten percent of the teacher's total appraisal must consist of results from teacher-developed assessments.

(d) If no districtwide assessment results are available, 50 percent of a teacher's total appraisal must consist of teacher-developed and administrator-approved assessments of state and local standards. A school administrator shall meet with teachers at least annually under this paragraph to review, modify if needed, and approve local course and grade-level expectations for student achievement and growth.

(e) A charter school or a school board, in consultation with its teachers, must identify the performance measures used as a basis for the other 50 percent of a teacher's total appraisal under this subdivision. The appraisal must include data from parent surveys and at least one annual evaluation performed by a trained school administrator. Other performance measures may include student surveys, peer observations and review, teacher performance portfolios, video classroom observations with teacher reflection after viewing videos, measures approved as part of an educational improvement plan under section 122A.413, and other highly reliable research-based measures.

Subd. 3. Teacher performance effectiveness ratings. (a) Beginning in the 2012-2013 school year and consistent with subdivision 2, a school district or charter school annually must use the following scale to determine a teacher performance effectiveness rating and corresponding status designation under subdivision 4 for each teacher who teaches a subject for which statewide assessment results are available under section 120B.35:

(1) a teacher is "highly effective" if the teacher's appraisal shows that the teacher's students, on average, achieved one and one-half or more years of growth on statewide assessments and the teacher received a "5" performance rating under the district or charter school appraisal framework;

(2) a teacher is "effective" if the teacher's appraisal shows that the teacher's students, on average, achieved at least one year of growth on statewide assessments and the teacher received a "4" performance rating under the district or charter school appraisal framework;

(3) a teacher is "average" if the teacher's appraisal shows that the teacher's students, on average, achieved at least 0.9 years of growth on statewide student assessments and the teacher received a "3" performance rating under the district or charter school appraisal framework;

(4) a teacher "needs improvement" if the teacher's appraisal shows that the teacher's students, on average, achieved between 0.5 and 0.9 years of growth on statewide assessments or the teacher received a "2" or lower performance rating under the district or charter school appraisal framework; and

(5) a teacher is "ineffective" if the teacher's appraisal shows that the teacher's students, on average, achieved less than one-half year of growth on statewide assessments and the teacher received a "1" performance rating under the district or charter school appraisal framework.

A teacher who does not meet both the growth and performance rating requirements in any clause (1) to (4) receives the next lower effectiveness rating that immediately follows the clause where the teacher met either the growth or the performance rating requirement.

(b) Beginning in the 2012-2013 school year and consistent with subdivision 2, a school district or charter school annually must use a teacher performance effectiveness rating scale developed under this paragraph and corresponding status designation under subdivision 4 for each teacher who teaches a subject for which no statewide assessment data exist. The district or charter school, in consultation with its teachers, must define low, medium, and high academic growth and progress toward grade-level proficiency for purposes of establishing teacher performance effectiveness ratings so that a teacher is rated:

(1) "highly effective" if the teacher receives a "5" performance rating under the district or charter school appraisal framework;

(2) "effective" if the teacher receives a "4" performance rating under the district or charter school appraisal framework;

(3) "average" if the teacher receives a "3" performance rating under the district or charter school appraisal framework;

(4) "needs improvement" if the teacher receives a "2" performance rating under the district or charter school appraisal framework; and

(5) "ineffective" if the teacher receives a "1" performance rating under the district or charter school appraisal framework.

Subd. 4. Teacher status designations. (a) Beginning no later than the 2012-2013 school year, a school district or charter school shall establish a four-tier status designation for identifying teachers' effectiveness, consistent with this section, using measures of teacher performance and student learning as they relate to meeting state and local education standards.

(b) To receive a "standard" designation, a probationary teacher during the three-year probationary period must receive at least one rating of "average," "effective," or "highly effective" under the district or charter school appraisal framework and meet applicable professional development requirements.

(c) A licensed teacher who has a "standard" designation must receive a rating of "average," "effective," or "highly effective" in four years out of each five-year employment period and meet applicable professional development requirements to receive an "advanced" status designation.

(d) A teacher who receives a "highly effective" rating in three years out of a five-year employment period and meets applicable professional development requirements receives a "distinguished" status designation.

(e) A teacher who receives a "highly effective" rating in seven years during two consecutive five-year employment periods and meets applicable professional development requirements receives an "exemplary" status designation.

(f) A teacher who receives a "distinguished" or "exemplary" status designation keeps that designation for the remainder of the five-year employment period in which the teacher received the designation.

(g) A teacher who does not meet the requirements of a particular status designation under paragraph (c), (d), or (e) receives the next lower status designation under this subdivision. A teacher who does not meet the requirement of a standard designation under paragraph (b) has no status designation.

Subd. 5. Data gathering and analysis. (a) Beginning in the 2012-2013 school year, the department, in consultation with the Board of Teaching, shall assist a school district or charter school in collecting and aggregating student data needed to implement subdivisions 2, 3, and 4. If the school district or charter school and the department agree that an ongoing need exists for department assistance, the district or charter school and the department shall enter into a data-sharing agreement. Any data on individual students or teachers received, collected, or created that are used to generate summary data under this section are nonpublic data under chapter 13.

(b) Beginning in 2014, the department annually by June 30 shall submit summary data on teachers' effectiveness under paragraph (a) to the Minnesota teacher preparation program or institution that prepared the teachers covered in that year's district and charter school reports to the department.

Subd. 6. Intermediate school districts; teacher evaluations. A teacher employed by an intermediate school district shall be evaluated as follows:

(1) a teacher who works with children with disabilities shall be evaluated using a student growth measure based on a child's individualized education program; and

(2) a teacher who works in an alternative learning setting shall be evaluated using student growth measures based on locally developed education goals and statewide or locally developed assessments.

Sec. 7. Minnesota Statutes 2010, section 122A.60, is amended to read:

122A.60 STAFF DEVELOPMENT PROGRAM.

Subdivision 1. Staff development committee. A school board must use the revenue authorized in section 122A.61 for ~~in-service~~ education ~~for~~ programs under section 120B.22, subdivision 2, or for staff development and teacher training plans under this section. The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators.

Subd. 1a. Effective staff development activities. (a) Staff development activities must be aligned with district and school site staff development plans, based on student achievement and growth data, and focused on student learning goals. Activities must:

(1) focus on the school classroom and ~~research-based~~ scientifically based research strategies that improve student learning;

(2) provide opportunities for teachers to practice and improve their instructional skills over time and receive instructional-based observations using objective standards-based assessments to assist in the professional growth process;

(3) provide regular opportunities for teachers to use student data as part of their daily work to increase student achievement;

(4) enhance teacher content knowledge and instructional skills;

(5) align with state and local academic standards;

(6) provide job-embedded or integrated professional development opportunities during the teacher contract day to build professional relationships, foster collaboration among principals and staff ~~who provide instruction to~~ identify instructional strategies to meet students' learning goals, plan instruction, practice new teaching strategies, and review the results of implementing those strategies, and provide opportunities for teacher-to-teacher coaching and mentoring; and

(7) align with the plan of the district or site for those participating in an alternative ~~teacher~~ professional pay system under section 122A.414.

Staff development activities also may include curriculum development and curriculum training programs, and activities that provide teachers and other members of site-based teams training to enhance team performance. The school district also may implement other staff development activities required by law and activities associated with professional teacher compensation models.

(b) Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under section 122A.61.

Subd. 2. **Contents of plan.** The plan must be based on student achievement and growth and include student learning goals, the staff development outcomes under subdivision 3, the means to achieve the outcomes, and procedures for evaluating progress at each school site toward meeting education outcomes, consistent with relicensure requirements under section 122A.18, subdivision 4. The plan also must:

(1) support stable and productive professional communities achieved through ongoing and schoolwide progress and growth in teaching practice;

(2) emphasize coaching, professional learning communities, classroom action research, and other job-embedded models;

(3) maintain a strong subject matter focus premised on students' learning goals;

(4) ensure specialized preparation and learning about issues related to teaching students with special needs and limited English proficiency; and

(5) reinforce national and state standards of effective teaching practice.

Subd. 3. **Staff development outcomes.** The advisory staff development committee must adopt a staff development plan for increasing teacher effectiveness and student learning and 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~~ academic standards in all areas of the curriculum by using best practices methods and benchmark assessments aligned with academic standards;

(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~~ in their first five years of teaching;

(5) effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution; and

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

Subd. 4. **Staff development report.** (a) By October ~~15~~ 1 of each year, the district and site staff development committees shall write and submit a report of staff development activities and expenditures for the previous year, in the form and manner determined by the commissioner. The report, signed by the district superintendent and staff development chair, must include assessment and evaluation data indicating progress toward district and site staff development goals based on teaching and learning outcomes, including the percentage of teachers and other staff involved in instruction who participate in effective staff development activities under subdivision 3.

(b) The report must break down expenditures for:

(1) curriculum development and curriculum training programs; and

(2) staff development training models, workshops, and conferences, and the cost of releasing teachers or providing substitute teachers for staff development purposes.

The report also must indicate whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made possible by grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures must be reported using the uniform financial and accounting and reporting standards.

(c) The commissioner shall report the staff development progress and expenditure data to the house of representatives and senate committees having jurisdiction over education by February 15 each year.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later.

Sec. 8. Minnesota Statutes 2010, section 122A.61, subdivision 1, is amended to read:

Subdivision 1. **Staff development revenue.** A district is required to reserve an amount equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for ~~in-service education for~~ programs under section 120B.22, subdivision 2, ~~for~~ with the primary purpose of creating and implementing district and school site staff development plans, including. Funds also may be used to support plans for challenging instructional activities and experiences under section 122A.60, ~~and for curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, the cost of substitute teachers staff development purposes,~~ preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff

development efforts. A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the district and a majority vote of the school board agree to a resolution to waive the requirement. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs. With the exception of amounts reserved for staff development from revenues allocated directly to school sites, the board must initially allocate 50 percent of the reserved revenue to each school site in the district on a per teacher basis, which must be retained by the school site until used. The board may retain 25 percent to be used for district wide staff development efforts. The remaining 25 percent of the revenue must be used to make grants to school sites for best practices methods. A grant may be used for any purpose authorized under section 120B.22, subdivision 2, or 122A.60, or for the costs of curriculum development and programs, other in service education, teachers' workshops, teacher conferences, substitute teachers for staff development purposes, and other staff development efforts, and determined by the site professional development team. The site professional development team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program. The board may withhold a portion of initial allocation of revenue if the staff development outcomes are not being met.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later.

Sec. 9. Minnesota Statutes 2010, section 126C.10, subdivision 2, is amended to read:

Subd. 2. **Basic revenue.** The basic revenue for each district equals the formula allowance times the adjusted marginal cost pupil units for the school year. The formula allowance for fiscal year 2007 is \$4,974. The formula allowance for fiscal year 2008 is \$5,074 ~~and~~, the formula allowance for fiscal year 2009 ~~and subsequent years through fiscal year 2013~~ is \$5,124, and the formula allowance for fiscal year 2014 and subsequent years is \$5,174.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2013 and later.

Sec. 10. **APPRAISAL IMPLEMENTATION TIMELINE.**

Consistent with Minnesota Statutes, section 122A.411, districts and charter schools shall implement the teacher appraisal framework according to the following timeline:

(1) in the 2011-2012 school year, develop an appraisal framework and a system to collect data;

(2) in the 2012-2013 school year, implement the teacher appraisal framework and data collection system as a pilot program; and

(3) beginning in the 2013-2014 school year, fully implement the teacher appraisal framework and data collection system.

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

ARTICLE 2 TEACHER EMPLOYMENT

Section 1. Minnesota Statutes 2010, section 120B.36, subdivision 1, is amended to read:

Subdivision 1. **School performance report cards.** (a) The commissioner shall report student academic performance under section 120B.35, subdivision 2; the percentages of students showing low, medium, and high growth under section 120B.35, subdivision 3, paragraph (b); school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35, subdivision 3,

paragraph (c); two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding salaries; the number of teachers in each performance effectiveness rating category under section 122A.411, subdivision 3, by school site; student enrollment demographics; district mobility; and extracurricular activities. The report also must indicate a school's adequate yearly progress status, and must not set any designations applicable to high- and low-performing schools due solely to adequate yearly progress status.

(b) The commissioner shall develop, annually update, and post on the department Web site school performance report cards.

(c) The commissioner must make available performance report cards by the beginning of each school year.

(d) A school or district may appeal its adequate yearly progress status in writing to the commissioner within 30 days of receiving the notice of its status. The commissioner's decision to uphold or deny an appeal is final.

(e) School performance report card data are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in paragraph (d) concludes. The department shall annually post school performance report cards to its public Web site no later than September 1.

EFFECTIVE DATE. This section is effective July 1, 2014.

Sec. 2. Minnesota Statutes 2010, section 122A.40, subdivision 5, is amended to read:

Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and after completion thereof, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must issue an annual employment contract and adopt a plan for written evaluation of teachers during the probationary period that complies with section 122A.411. During a probationary teacher's first year of employment, the board may terminate the teacher at will. Evaluation must occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. ~~Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However,~~ The board must give any ~~such~~ probationary teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

(b) A board must discharge a probationary teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

(c) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

(d) A probationary teacher must complete at least 60 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

(e) A district must decide whether to issue a contract to a probationary classroom teacher at the end of the teacher's probationary period based on:

(1) the teacher's professional growth plan based on standards of effective professional practice, student learning goals, and teacher evaluations under this subdivision that comply with section 122A.411;

(2) the teacher's appraisal results and performance effectiveness rating under section 122A.411; and

(3) other locally selected criteria aligned to instructional practices in teaching and learning.

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 7, is amended to read:

Subd. 7. **Termination of contract after probationary period.** (a) A teacher who has completed a probationary period in any district, and who has not been discharged or advised of a refusal to renew the teacher's contract under subdivision 5, shall elect to have a ~~continuing~~ renewable five-year contract with ~~such~~ the district where contract terms and conditions, including salary and salary increases, are established based either on the length of the school calendar or an extended school calendar under section 120A.415. ~~Thereafter,~~ The teacher's contract must remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board prior to April 1 upon one of the grounds specified in subdivision 9 or July 1 upon one of the grounds specified in subdivision 10 or 11, or until the teacher is discharged pursuant to subdivision 13, or by the written resignation of the teacher submitted prior to April 1. If an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179A.01 to 179A.25 prior to March 1, the teacher's right of resignation is extended to the 30th calendar day following the adoption of ~~said~~ the contract ~~in compliance with~~ under section 179A.20, subdivision 5. ~~Such~~ Written resignation by the teacher is effective ~~as of~~ on June 30 if submitted ~~prior to~~ before that date and the ~~teachers'~~ teacher's right of resignation for the next school year ~~then beginning~~ shall cease on July 15.

(b) Before a teacher's contract is terminated by the board, the board must notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. If the grounds are those specified in subdivision 9 or 13, the notice must also state a teacher may request arbitration under subdivision 15. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board or an arbitrator and it shall be granted upon reasonable notice to the teacher of the date set for hearing, before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. ~~Such~~ The teacher's termination ~~shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid~~ must comply with subdivision 9 or 13. ~~Such~~ A contract may be terminated at any time by mutual consent of the board and the teacher and this section does not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

~~(b)~~ (c) A teacher electing to have a continuing contract based on the extended school calendar under section 120A.415 must participate in staff development training under subdivision 7a and shall receive an increased base salary.

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 4. Minnesota Statutes 2010, section 122A.40, is amended by adding a subdivision to read:

Subd. 7b. **Teacher employment.** (a) A school district must use a teacher appraisal framework to make informed decisions about teacher development and performance. Teachers must participate in ongoing professional development to improve teaching and learning throughout a term of employment.

(b) After completing the initial three-year probationary period without discharge, a teacher who is reemployed by a school board continues in service and holds that position during good behavior and efficient and competent service for a renewable five-year term. The terms and conditions of a teacher's employment contract, including salary and salary increases, must be based either on the length of the school year or an extended school calendar under section 120A.415.

(c) At the end of every five-year term, the school board either must continue or terminate a teacher's employment based on:

(1) a portfolio of the teacher's five-year professional growth plan based on standards of professional practice, student learning, and successful teacher evaluations, consistent with section 122A.411, that are conducted at least once per year by a trained school administrator;

(2) the teacher's appraisal results and performance effectiveness rating under section 122A.411; and

(3) other locally selected criteria aligned to instructional practices in teaching and learning.

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 5. Minnesota Statutes 2010, section 122A.40, subdivision 9, is amended to read:

Subd. 9. **Grounds for termination.** (a) A continuing contract may be terminated, effective at the close of the school year, upon any of the following grounds:

~~(a)~~ (1) inefficiency;

~~(b)~~ (2) neglect of duty, or persistent violation of school laws, rules, regulations, or directives;

~~(c)~~ (3) conduct unbecoming a teacher which materially impairs the teacher's educational effectiveness;

~~(d)~~ (4) other good and sufficient grounds rendering the teacher unfit to perform the teacher's duties; ~~or~~

(5) the teacher is ineffective under section 122A.411 and not recommended by the district for continued employment under this section.

(b) A contract must not be terminated ~~upon one of the grounds specified in clause~~ under paragraph (a), ~~(b), (c), or (d)~~, unless the teacher fails to correct the deficiency after being given written notice of the specific items of complaint and reasonable time within which to remedy them.

For purposes of paragraph (a), clause (5), a teacher must correct the deficiency within 180 days after receiving the notice to remedy the deficiency.

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 6. Minnesota Statutes 2010, section 122A.40, subdivision 10, is amended to read:

Subd. 10. **Negotiated unrequested leave of absence.** The school board and the exclusive bargaining representative of the teachers may negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. Failing to successfully negotiate such a plan, the provisions of subdivision 11 shall apply. ~~The negotiated plan must not include provisions which would result in the exercise of seniority by a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 11, clause (c), or the reinstatement of a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 11, clause (e). The provisions of section 179A.16 do not apply for the purposes of this subdivision.~~

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 7. Minnesota Statutes 2010, section 122A.40, subdivision 11, is amended to read:

Subd. 11. **Unrequested leave of absence.** (a) The board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave is effective at the close of the school year. In placing teachers on unrequested leave, the superintendent may exempt from the effects of paragraphs (b) to (f) those teachers who, in the superintendent's judgment, are able to provide instruction that similarly licensed teachers cannot provide or whose subject area license meets unmet district needs for student instruction. The board is governed by ~~the following provisions: paragraphs (b) to (k).~~

~~(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. A teacher who has acquired continuing contract rights must not be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;~~

~~(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the following order:~~

~~(1) teachers with a "needs improvement" or "ineffective" rating under section 122A.411 in the inverse order in which they were employed by the school district;~~

~~(2) teachers with an "average" rating under section 122A.411 with four or more years of teaching experience in the inverse order in which they were employed by the school district;~~

~~(3) teachers with an "effective" rating under section 122A.411 with fewer than four years of teaching experience in the inverse order in which they were employed by the school district;~~

~~(4) teachers with a "highly effective" rating under section 122A.411 in the inverse order in which they were employed by the school district;~~

~~(5) teachers with a "distinguished" rating under section 122A.411 in the inverse order in which they were employed by the school district; and~~

~~(6) teachers with an "exemplary" rating under section 122A.411 in the inverse order in which they were employed by the school district.~~

(c) In the case of equal seniority within a clause of paragraph (b), the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed is negotiable;.

~~(c) Notwithstanding the provisions of clause (b), a teacher is not entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another teacher who also holds a provisional license in the same field. The provisions of this clause do not apply to vocational education licenses;~~

~~(d) Notwithstanding clauses (a), paragraphs (b) and (c), if the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction restrictions imposed by the provisions of clause paragraph (b) or (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher, the teacher with less seniority, or the provisionally licensed teacher; with a lower designated status or less seniority.~~

~~(e) Teachers placed on unrequested leave of absence must be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement must be in the inverse order of placement on leave of absence. A teacher must not be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year is negotiable;.~~

~~(f) Appointment of a new teacher must not be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to that teacher who may return to employment and assume the duties of the position to which appointed on a future date determined by the board;.~~

~~(g) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;.~~

~~(h) The unrequested leave of absence must not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;.~~

~~(i) The unrequested leave of absence of a teacher who is placed on unrequested leave of absence and who is not reinstated shall continue for a period of five years until that teacher's contract expires under subdivision 7b, after which the right to reinstatement shall terminate. The teacher's right to reinstatement shall also terminate if the teacher fails to file with the board by April 1 of any year a written statement requesting reinstatement;.~~

~~(j) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 5 and 7 must apply to placement on unrequested leave of absence;.~~

~~(k) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment benefits if otherwise eligible.~~

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 8. Minnesota Statutes 2010, section 122A.41, subdivision 2, is amended to read:

Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment ~~during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit.~~ The school site management team ~~or the school board if there is no school site management team,~~ shall issue an annual employment contract and adopt a plan for a written evaluation of teachers during the probationary period ~~according to subdivision 3~~ that is consistent with section 122A.411. ~~During a probationary teacher's first year of employment, the board may terminate the teacher at will.~~ Evaluation ~~by the peer review committee charged with evaluating~~ of probationary teachers ~~under subdivision 3~~ shall occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

(b) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

(c) A probationary teacher must complete at least 60 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

(d) A district must decide whether to issue a contract to a probationary classroom teacher at the end of the teacher's probationary period based on:

(1) a portfolio of the teacher's professional growth plan based on standards of effective professional practice, student learning goals, and successful teacher evaluations, consistent with section 122A.411, that are conducted at least twice per year by a trained school administrator;

(2) the teacher's appraisal results and performance effectiveness rating under section 122A.411; and

(3) other locally selected criteria aligned to instructional practices in teaching and learning.

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 9. Minnesota Statutes 2010, section 122A.41, subdivision 4, is amended to read:

Subd. 4. ~~Period of service after probationary period; discharge or demotion~~ **Teacher employment.** (a) A school district must use a teacher appraisal framework to make informed decisions about teacher development and performance. Teachers must participate in ongoing professional development to improve teaching and learning throughout a term of employment.

~~(b) After the completion of such~~ completing the initial three-year probationary period, without discharge, ~~such teachers as are thereupon~~ a teacher who is reemployed shall continue in service and hold ~~their respective~~ that position during good behavior and efficient and competent service for a renewable five-year term and must not be discharged or demoted except for cause after a hearing. The terms and conditions of a teacher's employment contract, including salary and salary increases, must be based either on the length of the school year or an extended school calendar under section 120A.415.

~~(b)~~ (c) A probationary teacher is deemed to have been reemployed for the ensuing school year, unless the school board in charge of such school gave such teacher notice in writing before July 1 of the termination of such employment.

~~(e)~~ (d) A teacher electing to have an employment contract based on the extended school calendar under section 120A.415 must participate in staff development training under subdivision 4a and shall receive an increased base salary.

(e) At the end of every five-year term, the school board must either continue or terminate a teacher's employment based on:

(1) a portfolio of the teacher's five-year professional growth plan based on standards of professional practice, student learning, and successful teacher evaluations, consistent with section 122A.411, that are conducted at least twice per year by a trained school administrator;

(2) the teacher's appraisal results and performance effectiveness rating under section 122A.411; and

(3) other locally selected criteria aligned to instructional practices in teaching and learning.

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 10. Minnesota Statutes 2010, section 122A.41, subdivision 6, is amended to read:

Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in paragraph (b), causes for the discharge or demotion of a teacher either during or after the probationary period must be:

(1) immoral character, conduct unbecoming a teacher, or insubordination;

(2) failure without justifiable cause to teach without first securing the written release of the school board having the care, management, or control of the school in which the teacher is employed;

(3) inefficiency in teaching or in the management of a school;

(4) affliction with active tuberculosis or other communicable disease must be considered as cause for removal or suspension while the teacher is suffering from such disability; ~~or~~

(5) discontinuance of position or lack of pupils; or

(6) the teacher is ineffective under section 122A.411 and not recommended by the district for employment under this section.

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363A.13. A contract must not be discharged on the grounds specified in clause (6) unless the teacher fails to correct the deficiency after being given written notice of the specific items of complaint and 180 days within which to remedy them.

(b) A probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 11. Minnesota Statutes 2010, section 122A.41, subdivision 14, is amended to read:

Subd. 14. **Services terminated by discontinuance or lack of pupils; preference given.** ~~(a)~~ A teacher whose services are terminated on account of discontinuance of position or lack of pupils must receive first consideration for other positions in the district for which that teacher is qualified. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers must be discontinued in any department in the following order:

(1) teachers with a "needs improvement" or "ineffective" rating under section 122A.411 in the inverse order in which they were employed, unless a board and the exclusive representative of teachers in the district negotiate a plan providing otherwise;

~~(b) Notwithstanding the provisions of clause (a), a teacher is not entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the Board of Teaching, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. The provisions of this clause do not apply to vocational education licenses.~~

~~(c) Notwithstanding the provisions of clause (a), a teacher must not be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.~~

(2) teachers with an "average" rating under section 122A.411 with four or more years of teaching experience in the inverse order in which they were employed by the school district;

(3) teachers with an "effective" rating under section 122A.411 with fewer than four years of teaching experience in the inverse order in which they were employed by the school district;

(4) teachers with a "highly effective" rating under section 122A.411 in the inverse order in which they were employed by the school district;

(5) teachers with a "distinguished" rating under section 122A.411 in the inverse order in which they were employed by the school district; and

(6) teachers with an "exemplary" rating under section 122A.411 in the inverse order in which they were employed by the school district.

The superintendent may exempt from the effects of this subdivision those teachers who, in the superintendent's judgment, are able to provide instruction that similarly licensed teachers cannot provide or whose subject area license meets unmet district needs for student instruction.

EFFECTIVE DATE. This section is effective for the 2014-2015 school year and later.

Sec. 12. **[122A.418] TEACHER EFFECTIVENESS-BASED BONUSES.**

(a) A teacher with a "distinguished" rating under section 122A.411 shall receive an annual bonus equal to ten percent of the teacher's base salary as long as the teacher maintains a "distinguished" rating.

(b) A teacher with an "exemplary" rating under section 122A.411 shall receive an annual bonus equal to 20 percent of the teacher's base salary as long as the teacher maintains an "exemplary" rating.

EFFECTIVE DATE. This section is effective July 1, 2019.

Sec. 13. Minnesota Statutes 2010, section 123B.09, subdivision 8, is amended to read:

Subd. 8. **Duties.** The board must superintend and manage the schools of the district; adopt rules for their organization, government, and instruction; keep registers; and prescribe textbooks and courses of study. The board may enter into an agreement with a postsecondary institution for secondary or postsecondary nonsectarian courses to be taught at a secondary school, nonsectarian postsecondary institution, or another location.

Consistent with section 122A.40, subdivision 10, or 122A.41, subdivision 14, as applicable, the board must not enter into an agreement that limits a district superintendent's ability to assign and reassign teachers or administrators to the schools in which the teachers will teach or the administrators will administer to best meet student and school needs as determined by the superintendent.

Sec. 14. Minnesota Statutes 2010, section 123B.143, subdivision 1, is amended to read:

Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent must be vested in the board in all cases. An individual employed by a board as a superintendent shall have an initial employment contract for a period of time no longer than three years from the date of employment. Any subsequent employment contract must not exceed a period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall perform the following:

(1) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;

(2) recommend to the board employment and dismissal of teachers;

(3) annually evaluate each school principal assigned responsibility for supervising a school building within the district, consistent with section 123B.147, subdivision 3, paragraph (b);

(4) superintend school grading practices and examinations for promotions;

(4) (5) make reports required by the commissioner; and

(6) before the start of the school year, and at other times as needed, assign highly effective, distinguished, and exemplary teachers, as defined in section 122A.411, to schools to best meet student and school needs as determined by the superintendent; and

(5) (7) perform other duties prescribed by the board.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later.

Sec. 15. Minnesota Statutes 2010, section 123B.147, subdivision 3, is amended to read:

Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory, and instructional leadership services, under the supervision of the superintendent of schools of the district and in accordance with according to the policies, rules, and regulations of the school board of education, for the planning, management, operation, and evaluation of the education program of the building or buildings to which the principal is assigned.

(b) To enhance a principal's leadership skills, support and improve teaching practices, school performance, and student achievement, and attract and retain highly effective teachers, a district must develop and implement a performance-based system for annually evaluating school principals assigned to supervise a school building within the district. The evaluation must be designed to improve teaching and learning by supporting the principal in shaping the school's professional environment and developing teacher quality, performance, and effectiveness. The annual evaluation must:

(1) support and improve a principal's instructional leadership, organizational management, and professional development, and strengthen the principal's capacity in the areas of instruction, supervision, evaluation, and teacher development;

(2) include formative and summative evaluations;

(3) be consistent with a principal's job description, a district's long-term plans and goals, and the principal's own professional multiyear growth plans and goals, all of which must support the principal's leadership behaviors and practices, rigorous curriculum, school performance, and high-quality instruction;

(4) include on-the-job observations and previous evaluations;

(5) allow surveys to help identify a principal's effectiveness, leadership skills and processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

(6) use longitudinal data on student academic growth as an evaluation component and incorporate district achievement goals and targets; and

(7) be linked to professional development that emphasizes improved teaching and learning, curriculum and instruction, student learning, and a collaborative professional culture.

The provisions of this paragraph are intended to provide districts with sufficient flexibility to accommodate district needs and goals related to developing, supporting, and evaluating principals.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later.

Sec. 16. Minnesota Statutes 2010, section 124D.10, subdivision 11, is amended to read:

Subd. 11. **Employment and other operating matters.** (a) A charter school must employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1, who hold valid licenses to perform the particular service for which they are employed in the school. The charter school's state aid may be reduced under section 127A.43 if the school employs a teacher who is not appropriately licensed or approved by the board of teaching. The school may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. The school must create and implement a teacher evaluation structure under section 122A.411 to use in developing and improving teacher performance and student learning. Teacher evaluations undertaken under this paragraph do not create additional due process rights for teachers employed or otherwise working at the school. The charter school board is subject to section 181.932. When offering employment to a prospective employee, a charter school must give that employee a written description of the terms and conditions of employment and the school's personnel policies.

(b) A person, without holding a valid administrator's license, may perform administrative, supervisory, or instructional leadership duties. The board of directors shall establish qualifications for persons that hold administrative, supervisory, or instructional leadership roles. The qualifications shall include at least the following areas: instruction and assessment; human resource and personnel management; financial management; legal and compliance management; effective communication; and board, authorizer, and community relationships. The board of directors shall use those qualifications as the basis for job descriptions, hiring, and performance evaluations of those who hold administrative, supervisory, or instructional leadership roles. The board of directors and an individual who does not hold a valid administrative license and who serves in an administrative, supervisory, or instructional leadership position shall develop a professional development plan. Documentation of the implementation of the professional development plan of these persons shall be included in the school's annual report.

(c) The board of directors also shall decide matters related to the operation of the school, including budgeting, curriculum and operating procedures.

Sec. 17. **ADVISORY TASK FORCE ON IMPLEMENTING TEACHER EVALUATION STRUCTURE.**

Consistent with Minnesota Statutes, section 122A.411, and related sections, the commissioner of education shall convene a nine-member advisory task force to make recommendations related to implementing the state's teacher evaluation structure. Task force members shall include: one representative each from the Minnesota Chamber of Commerce, the Minnesota Business Partnership, the Minnesota Assessment Group, the Minnesota Association of School Administrators, and the Minnesota Elementary and Secondary School Principals Association, appointed by the respective organizations; two representatives from Education Minnesota, one of whom must be a currently licensed classroom teacher teaching in a first class city school district, appointed by Education Minnesota; and two parents of students currently enrolled in Minnesota public schools, one of whom must be a parent of color, appointed by the Minnesota Parent Teacher Organization. The commissioner or the commissioner's designee shall serve as a nonvoting member of the task force and shall provide technical assistance to the task force upon request. The terms, compensation, and removal of advisory task force members shall be as provided in Minnesota Statutes, section 15.059, except that the task force shall continue until it is specifically terminated by the legislature. The commissioner of education may reimburse task force members from the Department of Education's current operating budget but may not compensate task force members for task force activities. The task force must periodically review the statutory sections that compose this act and recommend to the commissioner any changes needed to fully and effectively implement the teacher evaluation structure, including any statutory changes needed to accomplish the recommendations. The commissioner must report the task force recommendations to the education policy and finance committees of the legislature at the start of the next legislative session after receiving those recommendations.

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

Sec. 18. **IMPLEMENTING A PERFORMANCE-BASED EVALUATION SYSTEM FOR PRINCIPALS.**

(a) To implement the requirements of Minnesota Statutes, sections 123B.143, subdivision 1, clause (3), and 123B.147, subdivision 3, paragraph (b), the commissioner of education, the Minnesota Association of Secondary School Principals, and the Minnesota Association of Elementary School Principals must convene a group of recognized and qualified experts and interested stakeholders, including principals, superintendents, teachers, school board members, and parents, among other stakeholders, to develop a performance-based system model for annually evaluating school principals. In developing the system model, the group must at least consider how principals develop and maintain:

(1) high standards for student performance;

(2) rigorous curriculum;

(3) quality instruction;

(4) a culture of learning and professional behavior;

(5) connections to external communities;

(6) systemic performance accountability; and

(7) leadership behaviors that create effective schools and improve school performance, including how to plan for, implement, support, advocate for, communicate about, and monitor continuous and improved learning.

The group also may consider whether to establish a multitiered evaluation system that supports newly licensed principals in becoming highly skilled school leaders and provides opportunities for advanced learning for more experienced school leaders.

(b) The commissioner, the Minnesota Association of Secondary School Principals, and the Minnesota Association of Elementary School Principals must submit a written report and all the group's working papers to the education committees of the legislature by February 1, 2012, discussing the group's responses to paragraph (a) and its recommendations for a performance-based system model for annually evaluating school principals. The group convened under this section expires June 1, 2012.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to principal evaluations beginning in the 2013-2014 school year and later."

Delete the title and insert:

"A bill for an act relating to education; modifying teacher and principal evaluations and tenure; requiring reports; amending Minnesota Statutes 2010, sections 120B.35, subdivision 1; 120B.36, subdivision 1; 122A.40, subdivisions 5, 6, 7, 8, 9, 10, 11, by adding a subdivision; 122A.41, subdivisions 2, 3, 4, 5, 6, 14; 122A.60; 122A.61, subdivision 1; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.147, subdivision 3; 124D.10, subdivision 11; 126C.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 122A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 1067, A bill for an act relating to transportation; prohibiting certain activities on rail bank property; imposing misdemeanor penalty; amending Minnesota Statutes 2010, section 222.63, subdivision 9.

Reported the same back with the following amendments:

Page 1, line 10, before "perform" insert "knowingly"

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Ways and Means to which was referred:

H. F. No. 1097, A bill for an act relating to natural resources; modifying pesticide control; providing for certain acquisition by exchange; modifying peatland protection; modifying fees and fee disposition; modifying invasive species provisions; modifying cash match requirement for local recreation grants; modifying state water trails and waysides; modifying Mineral Coordinating Committee; providing for citizen oversight committees; creating adopt-a-WMA program; modifying definitions; modifying operating provisions for certain recreational vehicles; providing for dual registration of certain motorcycles; requiring nonresident off-road vehicle state trail pass; modifying watercraft titling; modifying special vehicle use on roadways; modifying oxygenated gasoline requirements; modifying Water Law; modifying certain local ordinance requirements; modifying waste management provisions; modifying landfill cleanup program; modifying environmental review requirements; establishing certain rulemaking moratorium; requiring reports; appropriating money; amending Minnesota Statutes 2010, sections 17.117, subdivision 6a; 18B.03, subdivision 1, as amended; 41A.105, by adding a subdivision; 84.033, subdivision 1; 84.035, subdivision 6; 84.777, subdivision 2; 84.788, by adding a subdivision; 84.92, subdivisions 8, 9, 10; 84.925, subdivision 1; 84.9257; 84D.01, subdivisions 8a, 16, 21, by adding subdivisions; 84D.02, subdivision 6; 84D.03, subdivisions 3, 4; 84D.09; 84D.10, subdivisions 1, 3, 4; 84D.11, subdivision 2a; 84D.13, subdivisions 3, 4, 5, 6, 7; 84D.15, subdivision 2; 85.018, subdivision 5; 85.019, subdivisions 4b, 4c; 85.32, subdivision 1; 86B.825, subdivision 3; 86B.830, subdivision 2; 86B.850, subdivision 1; 86B.885; 93.0015, subdivisions 1, 3; 97A.055, subdivision 4b; 103B.661, subdivision 2; 103F.705; 103F.711, subdivision 8; 103F.715; 103F.725, subdivisions 1, 1a; 103F.731, subdivision 2; 103F.735; 103F.741, subdivision 1; 103F.745; 103F.751; 103G.005, subdivision 10e, by adding a subdivision; 103G.2212; 103G.222, subdivisions 1, 3; 103G.2242, subdivisions 2a, 6, 7, 9, 14, by adding a subdivision; 103G.2251; 103G.311, subdivision 5; 103G.615, subdivision 1, by adding a subdivision; 115.03, by adding a subdivision; 115.55, subdivision 2; 115A.03, subdivision 25a; 115A.95; 115B.412, subdivision 8, by adding subdivisions; 116D.04, subdivision 2a, as amended; 168.002, subdivision 18; 168A.085; 169.045, subdivisions 1, 2, 3, 5, 6, 7, 8; 239.791, by adding a subdivision; 398.33, subdivision 2; Laws 2010, chapter 361, article 4, section 73; proposing coding for new law in Minnesota Statutes, chapters 84; 84D; 97A; 103G; 116C; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 84D.02, subdivision 4; 85.013, subdivision 2b; 103F.711, subdivision 7; 103F.721; 103F.731, subdivision 1; 103F.761.

Reported the same back with the following amendments:

Page 49, delete section 88 and insert:

"Sec. 88. Minnesota Statutes 2010, section 169.045, subdivision 1, is amended to read:

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, ~~four-wheel~~ all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, ~~four-wheel~~ all-terrain vehicle, utility task vehicle, or mini truck is by permit only. For purposes of this section, ~~a four-wheel~~:

~~(1) an all-terrain vehicle is a motorized flotation tired vehicle with four low pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds, and has the meaning given in section 84.92;~~

~~(2) a mini truck has the meaning given in section 169.011, subdivision 40a-; and~~

~~(3) a utility task vehicle means a side-by-side four-wheel drive off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds."~~

Page 49, lines 18 and 21, after the second comma, insert "utility task vehicle."

Page 49, line 24, strike "and" and after the stricken "four-wheel" insert a comma

Page 49, line 25, after "vehicles" insert ", and utility task vehicles"

Page 50, line 2, after the second comma, insert "utility task vehicle."

Page 50, line 6, after the comma, insert "utility task vehicle."

Page 50, line 9, after the second comma, insert "utility task vehicles."

Page 50, line 14, after "carts" insert ", utility task vehicles."

Page 50, line 17, after "carts" insert ", utility task vehicles."

Page 50, line 20, after the stricken "four-wheel" insert "utility task vehicle."

Pages 51 to 53, delete sections 98 and 99

Page 54, after line 15, insert:

"Sec. 101. **DISPOSITION OF EASEMENT FEES.**

Notwithstanding Minnesota Statutes, section 89.035, or other law to the contrary, 100 percent of the fees paid by a lessee for an easement must be deposited in the permanent school fund. No amount of the lease fee may be retained by the commissioner for administrative expenses of the lease."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 14, delete "establishing certain rulemaking moratorium;" and insert "providing for disposition of certain easement fees;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Westrom from the Committee on Civil Law to which was referred:

H. F. No. 1130, A bill for an act relating to higher education; providing for the use of student data; proposing coding for new law in Minnesota Statutes, chapter 136A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[136A.051] STUDENT RECORDS AND DATA.**

When a nonpublic institution of higher education provides the Office of Higher Education student data or records pursuant to section 136A.05, subdivision 1; 136A.121, subdivision 18; or 136A.1701, subdivision 11, the institution of higher education is not liable for a breach of confidentiality, disclosure, use, retention, or destruction of the student data or records, if the breach, disclosure, use, retention, or destruction results from actions or omissions of:

(1) the Office of Higher Education; or

(2) persons provided access to the data or records by the Office of Higher Education."

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Ways and Means to which was referred:

H. F. No. 1162, A bill for an act relating to natural resources; modifying nonnative species provisions; modifying requirements for permits to control or harvest aquatic plants; providing criminal penalties and civil penalties; amending Minnesota Statutes 2010, sections 84D.01, subdivisions 8a, 16, 21, by adding subdivisions; 84D.02, subdivision 6; 84D.03, subdivisions 3, 4; 84D.09; 84D.10, subdivisions 1, 3, 4; 84D.11, subdivision 2a; 84D.13, subdivisions 3, 4, 5, 6, 7; 84D.15, subdivision 2; 103G.615, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84D; repealing Minnesota Statutes 2010, section 84D.02, subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Holberg from the Committee on Ways and Means to which was referred:

H. F. No. 1381, A bill for an act relating to education; providing for policy for prekindergarten through grade 12 education, including general education, education excellence, special programs, facilities and technology, early childhood education, and student transportation; amending Minnesota Statutes 2010, sections 11A.16, subdivision 5; 13.32, subdivision 6; 119A.50, subdivision 3; 120A.22, subdivision 11; 120A.24; 120A.40; 120B.023, subdivision 2; 120B.11; 120B.12; 120B.30, subdivisions 1, 3, 4; 120B.31, subdivision 4; 120B.36, subdivisions 1, 2; 121A.15, subdivision 8; 121A.17, subdivision 3; 122A.09, subdivision 4; 122A.14, subdivision 3; 122A.16, as amended; 122A.18, subdivision 2; 122A.23, subdivision 2; 122A.40, subdivisions 5, 11, by adding a subdivision; 122A.41, subdivisions 1, 2, 5a, 10, 14; 123B.143, subdivision 1; 123B.147, subdivision 3; 123B.41, subdivisions 2, 5;

123B.57; 123B.63, subdivision 3; 123B.71, subdivision 5; 123B.72, subdivision 3; 123B.75, subdivision 5; 123B.88, by adding a subdivision; 123B.92, subdivisions 1, 5; 124D.091, subdivision 2; 124D.36; 124D.37; 124D.38, subdivision 3; 124D.385, subdivision 3; 124D.39; 124D.40; 124D.42, subdivisions 6, 8; 124D.44; 124D.45, subdivision 2; 124D.52, subdivision 7; 124D.871; 125A.02, subdivision 1; 125A.15; 125A.51; 125A.79, subdivision 1; 126C.10, subdivision 8a; 126C.15, subdivision 2; 126C.41, subdivision 2; 127A.30, subdivision 1; 127A.42, subdivision 2; 127A.43; 127A.45, by adding a subdivision; 171.05, subdivision 2; 171.17, subdivision 1; 171.22, subdivision 1; 181A.05, subdivision 1; Laws 2011, chapter 5, section 1; proposing coding for new law in Minnesota Statutes, chapter 120B; repealing Minnesota Statutes 2010, sections 120A.26, subdivisions 1, 2; 124D.38, subdivisions 4, 5, 6; 125A.54; 126C.457.

Reported the same back with the following amendments:

Page 12, line 33, delete "the previous" and insert "at least two of the previous five consecutive school years"

Page 12, line 34, delete "school year" and delete "a flood, tornado, or fire" and insert "flooding"

Page 28, line 3, delete "This section" and insert "Paragraph (f)"

Page 28, line 4, after the period, insert "Paragraph (g) is effective the day following final enactment."

Page 30, lines 20 to 26, delete the new language

Page 54, delete section 51

Page 64, line 18, delete "the correction" and insert "repair"

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 1391, A bill for an act relating to state government; authorizing designation of state agency programs as performance-based organizations; proposing coding for new law in Minnesota Statutes, chapter 15.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Dean from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1425, A bill for an act relating to redistricting; adopting a legislative districting plan for use in 2012 and thereafter; amending Minnesota Statutes 2010, sections 2.031, subdivision 1; 2.91, subdivision 1; repealing Minnesota Statutes 2010, sections 2.031, subdivision 2; 2.444; 2.484.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Westrom from the Committee on Civil Law to which was referred:

H. F. No. 1443, A bill for an act relating to real property; landlord and tenant; clarifying definition of a residential tenant; amending Minnesota Statutes 2010, section 504B.285, subdivision 1a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 504B.285, subdivision 1a, is amended to read:

Subd. 1a. **Grounds when the person holding over is a tenant in a foreclosed residential property.** (a) For any eviction action commenced on or before December 31, 2012, with respect to residential real property or a dwelling where the person holding the residential real property or dwelling after the expiration of the time for redemption on foreclosure of a mortgage was a tenant during the redemption period under a lease of any duration, and the lease began after the date the mortgage was executed, but prior to the expiration of the time for redemption, the immediate successor in interest must provide at least 90 days' written notice to vacate, given no sooner than the date of the expiration of the time for redemption, and effective no sooner than 90 days after the date of the expiration of the time for redemption, provided that the tenant pays the rent and abides by all terms of the lease.

(b) For any eviction action commenced on or before December 31, 2012, with respect to residential real property or a dwelling where the term of a bona fide lease extends more than 90 days beyond the date of the expiration of the time for redemption, the immediate successor in interest must allow the tenant to occupy the premises until the end of the remaining term of the lease, and provide at least 90 days' written notice to vacate, effective no sooner than the date the lease expires, provided that the tenant pays the rent and abides by all terms of the lease, except if the immediate successor in interest or an immediate subsequent bona fide purchaser will occupy the unit as the primary residence, the immediate successor in interest must provide at least 90 days' written notice to vacate, given no sooner than the date of the expiration of the time for redemption, effective no sooner than 90 days after the date of the expiration of the time for redemption, provided that the tenant pays the rent and abides by all terms of the lease.

For purposes of this section, a "bona fide lease" means:

- (1) the mortgagor or the child, spouse, or parent of the mortgagor is not the tenant;
- (2) the lease or tenancy was the result of an arm's-length transaction; and
- (3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized by a federal, state, or local subsidy.

(c) For any eviction action commenced on or before December 31, 2012, ~~in the case of~~ with respect to residential real property or a dwelling involving a tenancy subject to section 8 of the United States Housing Act of 1937, as amended, where the term of the lease extends more than 90 days beyond the date of the expiration of the time for redemption, the immediate successor in interest must allow the tenant to occupy the premises until the end of the remaining term of the lease and provide at least 90 days' written notice to vacate, effective no sooner than the date the lease expires, provided that the tenant pays the rent and abides by all terms of the lease, except if the immediate successor in interest will occupy the unit as the primary residence, the immediate successor in interest must provide at least 90 days' written notice to vacate, given no sooner than the date of the expiration of the time for redemption, effective no sooner than 90 days after the date of the expiration of the time for redemption, provided that the tenant pays the rent and abides by all terms of the lease."

Delete the title and insert:

"A bill for an act relating to real property; landlord and tenant; clarifying application of foreclosure provisions for residential tenants; amending Minnesota Statutes 2010, section 504B.285, subdivision 1a."

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 1467, A bill for an act relating to firearms; directing the commissioner of human services to report mental health commitment information to the National Instant Criminal Background Check System for the purpose of facilitating firearms background checks; creating a reporting requirement; extending time period for renewal of permit to purchase a pistol from a federally licensed dealer; providing for an annual background check; requiring courts to report certain data to the National Instant Criminal Background Check System for the purpose of firearms background checks; clarifying and delimiting the authority of public officials to disarm individuals at any time; clarifying law on use of force in defense of home and person; codifying and extending Minnesota's self-defense and defense of home laws; eliminating the common law duty to retreat in cases of self defense outside the home; expanding the boundaries of dwelling for purposes of self-defense; creating a presumption in the case of a person entering a dwelling or occupied vehicle by stealth or force; extending the rights available to a person in that person's dwelling to a person defending against entry of that person's occupied vehicle; providing for the recognition by Minnesota of other states' permits to carry a pistol within and under the laws of Minnesota; amending Minnesota Statutes 2010, sections 245.041; 609.065; 624.713, by adding a subdivision; 624.7131, subdivisions 2, 6, 8; 624.714, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 624.

Reported the same back with the following amendments:

Page 2, lines 5 to 7, delete the new language

Page 3, delete section 6

Page 4, line 8, after "duties" insert "without a warrant"

Page 4, line 14, before "or" insert "or for observation pursuant to section 253B.05, subdivision 2;"

Page 4, line 15, delete "a" and insert "the" and before the period, insert "for which the individual was arrested"

Page 4, line 28, before the period, insert ", unless such closing or limitation of hours is ordered during a declared state of emergency and applies equally to all forms of commerce"

Page 5, delete lines 3 to 15

Page 6, line 8, delete "may include" and insert "includes"

Page 6, line 15, before the period, insert ", including but not limited to: murder in the first and second degrees; manslaughter in the first degree; assault in the first, second, and third degrees; criminal sexual conduct in the first and second degrees; arson in the first degree; burglary in the first, second, and third degrees; robbery; and kidnapping"

Page 7, line 2, delete "is eliminated" and insert "has ended"

Page 7, line 8, after "enter" insert "unlawfully or" and after "entered" insert "unlawfully or"

Page 7, line 13, delete "The" and insert "An"

Page 7, after line 22, insert:

"(c) The individual using defensive force is not entitled to the benefit of the presumption in paragraph (a) if the individual is presently engaged in a crime or attempting to escape from the scene of a crime, or is presently using the dwelling or occupied vehicle in furtherance of a crime."

Amend the title as follows:

Page 1, line 5, delete "creating a reporting requirement;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 1535, A bill for an act relating to public safety; making changes to the DWI, off-highway vehicle, drive-by shooting, designated offense, and controlled substance forfeiture laws to provide more uniformity; raising the monetary cap on the value of certain property forfeitures that may be adjudicated in conciliation court; prohibiting forfeited property from being sold to prosecuting authorities or persons related to prosecuting authorities; requiring state law enforcement agencies to report on the transfer of cases involving forfeiture to the federal government; clarifying the general criminal code forfeiture law, necessity of conviction, and burden of proof; amending Minnesota Statutes 2010, sections 84.7741, subdivisions 2, 3, 4, 8, 9, 10, by adding a subdivision; 169A.63, subdivisions 2, 3, 4, 8, 9, 10, by adding a subdivision; 491A.01, subdivision 3; 609.531, subdivisions 1, 6a; 609.5314, subdivisions 2, 3; 609.5315, subdivisions 1, 5, 5a, 5b, 6; 609.5318, subdivisions 2, 3.

Reported the same back with the following amendments:

Page 21, delete section 24

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, line 8, delete everything before "clarifying"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Ways and Means to which was referred:

H. F. No. 1613, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article XIII; recognizing marriage as only a union between one man and one woman.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Westrom from the Committee on Civil Law to which was referred:

S. F. No. 194, A bill for an act relating to secured transactions; enacting amendments to the Uniform Commercial Code Article 9 adopted by the National Conference of Commissioners on Uniform State Laws; making conforming changes; amending Minnesota Statutes 2010, sections 86B.820, subdivisions 10, 11; 168A.01, subdivisions 18, 19; 336.2A-103; 336.9-102; 336.9-105; 336.9-307; 336.9-311; 336.9-316; 336.9-317; 336.9-326; 336.9-406; 336.9-408; 336.9-502; 336.9-503; 336.9-507; 336.9-515; 336.9-516; 336.9-518; 514.963, subdivision 7; 514.965, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 336.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 371, 718, 859, 1067, 1097, 1130, 1162, 1381, 1425, 1443, 1467 and 1535 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1134 and 194 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Davids introduced:

H. F. No. 1663, A bill for an act relating to motor fuels; barring motor fuel franchise agreements that prohibit installation or operation of ethanol blender pumps; proposing coding for new law in Minnesota Statutes, chapter 80C.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Bills introduced:

H. F. No. 1664, A bill for an act relating to money; designating gold and silver coin as official legal tender; proposing coding for new law in Minnesota Statutes, chapter 1.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Gruenhagen introduced:

H. F. No. 1665, A bill for an act relating to public safety; adding fifth degree assault and certain domestic assault provisions to crime of violence; amending Minnesota Statutes 2010, section 624.712, subdivision 5.

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance.

Beard, Simon, Hoppe, Loon, Winkler, Schomacker, Mazorol, Hornstein, Sanders and McFarlane introduced:

H. F. No. 1666, A bill for an act relating to judicial selection; proposing an amendment to the Minnesota Constitution, article VI, sections 7 and 8; establishing retention elections for judges; creating a judicial performance evaluation commission; appropriating money; amending Minnesota Statutes 2010, sections 10A.01, subdivisions 7, 10, 15; 10A.14, subdivision 1; 10A.20, subdivision 2; 204B.06, subdivision 6; 204B.11, by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivision 4; 480B.01, subdivisions 1, 10; proposing coding for new law in Minnesota Statutes, chapters 204D; 480B; 490A; repealing Minnesota Statutes 2010, sections 204B.36, subdivision 5; 204D.14, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

Koenen introduced:

H. F. No. 1667, A bill for an act relating to capital investment; appropriating money for predesign and preliminary engineering for the removal of the Minnesota Falls Dam on the Minnesota River near Granite Falls and for predesign and preliminary engineering for construction of a rock rapids structure; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Murphy, M., introduced:

H. F. No. 1668, A bill for an act relating to retirement; Public Employees Retirement Association; optional correction of erroneous employee deductions and employer contributions provision for city of Duluth and Duluth Airport Authority.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Murphy, M., introduced:

H. F. No. 1669, A bill for an act relating to state lands; requiring purchase and reservation of wetland, wildlife, and carbon sequestration credits; requiring disclosure; proposing coding for new law in Minnesota Statutes, chapter 92.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Hoppe and Morrow introduced:

H. F. No. 1670, A bill for an act relating to pupil transportation; allowing federal substance testing to fulfill testing requirements for type III vehicle drivers; amending Minnesota Statutes 2010, section 171.02, subdivision 2b.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Dean from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, May 5, 2011:

S. F. No. 509; H. F. Nos. 721, 396, 479, 724, 1105, 1139, 447, 537, 1405, 493 and 563; S. F. No. 170; H. F. Nos. 763, 922, 56, 1289, 1341, 1418 and 1515; S. F. No. 1134; and H. F. No. 1498.

CALENDAR FOR THE DAY

H. F. No. 1289, A bill for an act relating to traffic regulations; modifying provision authorizing use of highway shoulder by buses; amending Minnesota Statutes 2010, section 169.306.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Pursuant to rule 2.05, Wardlow was excused from voting on the final passage of H. F. No. 1289.

There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Barrett	Cornish	Dittrich	Franson	Gunther
Anderson, B.	Beard	Crawford	Doepke	Fritz	Hackbarth
Anderson, D.	Benson, M.	Daudt	Downey	Garofalo	Hancock
Anderson, P.	Bills	Davids	Drazkowski	Gauthier	Hansen
Anderson, S.	Brynaert	Davnie	Eken	Gottwalt	Hausman
Anzelc	Buesgens	Dean	Erickson	Greene	Hayden
Atkins	Champion	Dettmer	Fabian	Greiling	Hilstrom
Banaian	Clark	Dill	Falk	Gruenhagen	Hilty

Holberg	Knuth	Mack	Murphy, M.	Quam	Tillberry
Hoppe	Koenen	Mahoney	Murray	Rukavina	Torkelson
Hornstein	Kriesel	Mariani	Myhra	Runbeck	Urdahl
Hortman	Laine	Marquart	Nelson	Sanders	Vogel
Hosch	Lanning	Mazorol	Nornes	Scalze	Wagenius
Howes	Leidiger	McDonald	Norton	Schomacker	Ward
Huntley	LeMieur	McElfattrick	O'Driscoll	Scott	Westrom
Johnson	Lenczewski	McFarlane	Paymar	Shimanski	Winkler
Kahn	Lesch	McNamara	Pelowski	Simon	Woodard
Kath	Liebling	Melin	Peppin	Slawik	
Kelly	Lillie	Morrow	Persell	Slocum	
Kieffer	Loeffler	Mullery	Petersen, B.	Smith	
Kiel	Lohmer	Murdock	Peterson, S.	Stensrud	
Kiffmeyer	Loon	Murphy, E.	Poppe	Swedzinski	

Those who voted in the negative were:

Thissen

The bill was passed and its title agreed to.

H. F. No. 1341 was reported to the House.

McDonald moved to amend H. F. No. 1341 as follows:

Page 1, line 6, delete "**ANNUAL REPORT**" and insert "**FORECAST**"

Page 1, line 8, delete "30."

The motion prevailed and the amendment was adopted.

H. F. No. 1341, A bill for an act relating to human services; requiring reporting of fiscal information on health care services to children under Minnesota public health care programs; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Atkins	Brynaert	Daudt	Dittrich	Fabian
Anderson, B.	Banaian	Buesgens	Dauids	Doepke	Falk
Anderson, D.	Barrett	Champion	Davnie	Downey	Franson
Anderson, P.	Beard	Clark	Dean	Drazkowski	Fritz
Anderson, S.	Benson, M.	Cornish	Dettmer	Eken	Garofalo
Anzelc	Bills	Crawford	Dill	Erickson	Gauthier

Gottwalt	Howes	Lenczewski	Melin	Petersen, B.	Tillberry
Greene	Huntley	Lesch	Morrow	Peterson, S.	Torkelson
Greiling	Johnson	Liebling	Mullery	Poppe	Urdahl
Gruenhagen	Kahn	Lillie	Murdock	Quam	Vogel
Gunther	Kath	Loeffler	Murphy, E.	Rukavina	Wagenius
Hackbarth	Kelly	Lohmer	Murphy, M.	Runbeck	Ward
Hancock	Kieffer	Loon	Murray	Sanders	Wardlow
Hansen	Kiel	Mack	Myhra	Scalze	Westrom
Hausman	Kiffmeyer	Mahoney	Nelson	Schomacker	Winkler
Hilstrom	Knuth	Mariani	Nornes	Scott	Woodard
Hilty	Koenen	Marquart	Norton	Shimanski	Spk. Zellers
Holberg	Kriesel	Mazorol	O'Driscoll	Simon	
Hoppe	Laine	McDonald	Paymar	Slawik	
Hornstein	Lanning	McElfrick	Pelowski	Smith	
Hortman	Leidiger	McFarlane	Peppin	Stensrud	
Hosch	LeMieur	McNamara	Persell	Swedzinski	

Those who voted in the negative were:

Hayden	Slocum	Thissen
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The bill was passed, as amended, and its title agreed to.

The Speaker assumed the Chair.

S. F. No. 170 was reported to the House.

Buesgens, Kieffer, Erickson and Nornes moved to amend S. F. No. 170, the unofficial engrossment, as follows:

Page 1, line 12, strike everything after the period

Page 1, lines 13 to 15, delete the new language and strike the old language

Page 3, line 18, strike everything after the period

Page 3, lines 19 to 22, delete the new language and strike the old language

Page 3, line 23, strike the old language

A roll call was requested and properly seconded.

The question was taken on the Buesgens et al amendment and the roll was called. There were 71 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Beard	Dauids	Fabian	Hackbarth	Kieffer
Anderson, D.	Benson, M.	Dean	Franson	Hancock	Kiel
Anderson, P.	Bills	Dettmer	Garofalo	Holberg	Kiffmeyer
Anderson, S.	Buesgens	Downey	Gottwalt	Hoppe	Kriesel
Banaian	Crawford	Drazkowski	Gruenhagen	Howes	Lanning
Barrett	Daudt	Erickson	Gunther	Kelly	Leidiger

LeMieur	McDonald	Nornes	Quam	Shimanski	Vogel
Liebling	McElfatrick	O'Driscoll	Runbeck	Smith	Wardlow
Lohmer	McNamara	Pelowski	Sanders	Stensrud	Westrom
Loon	Murdock	Peppin	Scalze	Swedzinski	Woodard
Mack	Murray	Peterson, S.	Schomacker	Torkelson	Spk. Zellers
Mazorol	Myhra	Poppe	Scott	Urdahl	

Those who voted in the negative were:

Abeler	Doepke	Hilstrom	Koenen	Melin	Rukavina
Anzelc	Eken	Hilty	Laine	Morrow	Simon
Atkins	Falk	Hornstein	Lenczewski	Mullery	Slawik
Brynaert	Fritz	Hortman	Lesch	Murphy, E.	Slocum
Champion	Gauthier	Hosch	Lillie	Murphy, M.	Thissen
Clark	Greene	Huntley	Loeffler	Nelson	Tillberry
Cornish	Greiling	Johnson	Mahoney	Norton	Wagenius
Davnie	Hansen	Kahn	Mariani	Paymar	Ward
Dill	Hausman	Kath	Marquart	Persell	Winkler
Dittrich	Hayden	Knuth	McFarlane	Petersen, B.	

The motion prevailed and the amendment was adopted.

S. F. No. 170, A bill for an act relating to education; requiring teacher candidates to pass basic skills exam; amending Minnesota Statutes 2010, sections 122A.09, subdivision 4; 122A.18, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Holberg	Lenczewski	Norton	Smith
Anderson, B.	Dettmer	Hoppe	Liebling	O'Driscoll	Stensrud
Anderson, D.	Dittrich	Hortman	Lillie	Pelowski	Swedzinski
Anderson, P.	Doepke	Hosch	Loeffler	Peppin	Torkelson
Anderson, S.	Downey	Howes	Lohmer	Persell	Urdahl
Atkins	Drazkowski	Huntley	Loon	Petersen, B.	Vogel
Banaian	Erickson	Kahn	Mack	Peterson, S.	Ward
Barrett	Fabian	Kath	Mazorol	Poppe	Wardlow
Beard	Franson	Kelly	McDonald	Quam	Westrom
Benson, M.	Garofalo	Kieffer	McElfatrick	Runbeck	Woodard
Bills	Gottwalt	Kiel	McFarlane	Sanders	Spk. Zellers
Buesgens	Gruenhagen	Kiffmeyer	McNamara	Scalze	
Cornish	Gunther	Kriesel	Murdock	Schomacker	
Crawford	Hackbarth	Lanning	Murray	Scott	
Daudt	Hancock	Leidiger	Myhra	Shimanski	
Davids	Hansen	LeMieur	Nornes	Simon	

Those who voted in the negative were:

Anzelc	Clark	Eken	Gauthier	Hausman	Hilty
Brynaert	Davnie	Falk	Greene	Hayden	Hornstein
Champion	Dill	Fritz	Greiling	Hilstrom	Johnson

Knuth	Mahoney	Morrow	Nelson	Slocum	Winkler
Koenen	Mariani	Mullery	Paymar	Thissen	
Laine	Marquart	Murphy, E.	Rukavina	Tillberry	
Lesch	Melin	Murphy, M.	Slawik	Wagenius	

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

H. F. No. 396, A bill for an act relating to real property; making clarifying, technical, and conforming changes to the Minnesota Common Interest Ownership Act; amending Minnesota Statutes 2010, sections 515B.1-102; 515B.1-103; 515B.1-116; 515B.2-109; 515B.2-110; 515B.2-121; 515B.2-124; 515B.3-102; 515B.3-104; 515B.3-105; 515B.3-114; 515B.3-115; 515B.4-102; 515B.4-115; proposing coding for new law in Minnesota Statutes, chapter 515B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Hansen	Laine	Mullery	Scalze
Anderson, B.	Dettmer	Hausman	Lanning	Murdock	Schomacker
Anderson, D.	Dill	Hayden	Leidiger	Murphy, E.	Scott
Anderson, P.	Dittrich	Hilstrom	LeMieur	Murphy, M.	Shimanski
Anderson, S.	Doepke	Hilty	Lenczewski	Murray	Simon
Anzelc	Downey	Holberg	Lesch	Myhra	Slawik
Atkins	Drazkowski	Hoppe	Liebling	Nelson	Slocum
Banaian	Eken	Hornstein	Lillie	Nornes	Smith
Barrett	Erickson	Hortman	Loeffler	Norton	Stensrud
Beard	Fabian	Hosch	Lohmer	O'Driscoll	Swedzinski
Benson, M.	Franson	Huntley	Loon	Paymar	Tillberry
Bills	Fritz	Johnson	Mack	Pelowski	Torkelson
Brynaert	Garofalo	Kahn	Mahoney	Peppin	Urdahl
Buesgens	Gauthier	Kath	Marquart	Persell	Vogel
Champion	Gottwalt	Kelly	Mazorol	Petersen, B.	Wagenius
Clark	Greene	Kieffer	McDonald	Peterson, S.	Ward
Cornish	Greiling	Kiel	McElfratrick	Poppe	Wardlow
Crawford	Gruenhagen	Kiffmeyer	McFarlane	Quam	Westrom
Daudt	Gunther	Knuth	McNamara	Rukavina	Winkler
Davids	Hackbarth	Koenen	Melin	Runbeck	Woodard
Davnie	Hancock	Kriesel	Morrow	Sanders	Spk. Zellers

Those who voted in the negative were:

Mariani	Thissen
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The bill was passed and its title agreed to.

H. F. No. 1405, A bill for an act relating to insurance; regulating claims processing for insurance on portable electronics products; permitting use of an automated claims processing system subject to certain requirements and safeguards; amending Minnesota Statutes 2010, sections 72B.02, by adding a subdivision; 72B.03, subdivision 1; 72B.041, subdivision 2, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 85 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Hancock	Lohmer	Paymar	Simon
Anderson, B.	Dettmer	Holberg	Loon	Pelowski	Stensrud
Anderson, D.	Dill	Hoppe	Mack	Peppin	Swedzinski
Anderson, P.	Dittrich	Howes	Marquart	Persell	Torkelson
Anderson, S.	Doepke	Kath	Mazorol	Petersen, B.	Urdahl
Banaian	Downey	Kelly	McDonald	Peterson, S.	Vogel
Barrett	Drazkowski	Kieffer	McElfrick	Poppe	Wardlow
Beard	Erickson	Kiel	McFarlane	Quam	Westrom
Benson, M.	Fabian	Kiffmeyer	McNamara	Rukavina	Woodard
Bills	Franson	Kriesel	Morrow	Runbeck	Spk. Zellers
Buesgens	Garofalo	Lanning	Murdock	Sanders	
Cornish	Gottwalt	Leidiger	Murray	Scalze	
Crawford	Gruenhagen	LeMieur	Myhra	Schomacker	
Daudt	Gunther	Lenczewski	Nornes	Scott	
Davids	Hackbarth	Lesch	O'Driscoll	Shimanski	

Those who voted in the negative were:

Anzelc	Gauthier	Hornstein	Laine	Murphy, E.	Wagenius
Atkins	Greene	Hortman	Liebling	Nelson	Ward
Brynaert	Greiling	Hosch	Lillie	Norton	Winkler
Champion	Hansen	Huntley	Loeffler	Slawik	
Clark	Hausman	Johnson	Mahoney	Slocum	
Davnie	Hayden	Kahn	Mariani	Smith	
Eken	Hilstrom	Knuth	Melin	Thissen	
Fritz	Hilty	Koenen	Mullery	Tillberry	

The bill was passed and its title agreed to.

S. F. No. 509 was reported to the House.

Kiffmeyer moved to amend S. F. No. 509, the unofficial engrossment, as follows:

Page 6, line 4, delete everything after the first "card" and insert "must:"

Page 6, delete line 5

Page 6, delete line 9 and insert "(2) provide a description of the applicant in the same manner as required on an application for a Minnesota driver's license."

Page 8, line 13, delete everything before the semicolon, and insert "a description of the applicant in the same manner as provided on a Minnesota driver's license"

Page 8, line 17, after "photograph." insert "An individual eligible to apply for status as a permanent absentee voter under section 203B.04, subdivision 5, must be permitted to submit a photograph, consistent with any size or formatting requirements of the commissioner of public safety, for use on a voter identification card issued under this subdivision."

Page 16, line 16, after "section" insert "by a voter who is a judge, law enforcement officer, or corrections officer"

Page 16, delete section 23 and insert:

"Sec. 23. Minnesota Statutes 2010, section 204C.12, subdivision 3, is amended to read:

Subd. 3. **Determination of residence and eligibility.** In determining the legal residence and eligibility of a challenged individual, the election judges shall be governed by the principles contained in ~~section~~ sections 200.031, 201.014, and 201.016. If the challenged individual's answers to the questions show ineligibility to vote in that precinct, the individual shall not be allowed to vote. If the individual has marked ballots but not yet deposited them in the ballot boxes before the election judges determine ineligibility to vote in that precinct, the marked ballots shall be placed ~~unopened~~ with the spoiled ballots. If the answers to the questions ~~fail to~~ show that the individual is ~~not~~ eligible to vote in that precinct and the challenge is not withdrawn, the election judges shall verbally administer the oath on the voter certificate to the individual. After taking the oath and completing and signing the voter certificate, the challenged individual shall be allowed to vote. If the election judges are not satisfied that the challenged individual is eligible to vote in the precinct, but the individual maintains a position that the individual is eligible and desires to vote, the challenged individual shall be permitted to cast a provisional ballot in the manner provided in section 204C.135."

Page 17, line 4, after "roster" insert "and who has not proven the voter's eligibility to vote in the precinct"

Page 17, line 5, after "challenged" insert "in the polling place and who is unable to overcome the challenge"

Page 17, line 14, delete "in" and delete "form"

Page 17, line 33, delete everything after "challenged," and insert "the county auditor or municipal clerk does not, based upon available records and any documentation presented by the voter, conclude that the voter is ineligible; and"

Page 18, line 14, delete "or greater than" and delete "accepted"

Page 23, line 17, after "address" insert "and note any student on the list known to not be a United States citizen"

Page 25, line 1, delete "believed" and insert "reported"

Page 25, line 12, delete "believed" and insert "reported"

Page 29, line 10, delete "believed" and insert "reported" and delete ", subdivision"

Page 29, line 11, delete "2"

Page 29, line 14, delete "believed" and insert "reported"

Page 29, line 20, delete "known" and insert "reported"

Page 29, line 26, delete "known" and insert "reported"

Page 31, line 9, delete "known" and insert "reported"

Page 31, line 30, after "for" insert "an" and strike "ballots" and insert "ballot"

Page 31, line 32, strike "by telephone" and after "clerk" insert "by telephone" and strike "not" and insert "no"

Page 32, line 21, delete "principle" and insert "principal"

Page 32, after line 28, insert:

"Sec. 17. Minnesota Statutes 2010, section 204B.21, subdivision 2, is amended to read:

Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory and for performing election-related duties assigned by the county auditor shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Except as otherwise provided in this section, appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under section 204B.19. At least two election judges in each precinct must be affiliated with different major political parties. If no lists have been furnished or if additional election judges are required after all listed names in that municipality have been exhausted, the appointing authority may appoint other individuals who meet the qualifications to serve as an election judge, including persons who are not affiliated with a major political party. The appointments shall be made at least 25 days before the election at which the election judges will serve, except that the appointing authority may pass a resolution authorizing the appointment of additional election judges within the 25 days before the election if the appointing authority determines that additional election judges will be required. Notwithstanding any other provision of law, an individual serving as an election judge is not an employee of a school district, regardless of whether an office of the school district appears on the ballot in the precinct at the election."

Page 39, line 28, strike "22" and insert "36"

Page 40, line 6, delete "known" and insert "reported"

Page 40, line 12, after "number" insert "as assigned by the secretary of state"

Page 40, line 17, delete "or" and insert a comma

Page 40, line 18, after "card" insert ", or voter identification card"

Page 56, after line 32, insert:

"ARTICLE 5
TITLE

Section 1. **TITLE.**

This act shall be known as "The 21st Century Voting Act."

A roll call was requested and properly seconded.

The question was taken on the Kiffmeyer amendment and the roll was called. There were 73 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Daudt	Gruenhagen	Lanning	Myhra	Swedzinski
Anderson, B.	Davids	Gunther	Leidiger	Nornes	Torkelson
Anderson, D.	Dean	Hackbarth	LeMieur	O'Driscoll	Urdahl
Anderson, P.	Dettmer	Hamilton	Lohmer	Peppin	Vogel
Anderson, S.	Dittrich	Hancock	Loon	Petersen, B.	Wardlow
Banaian	Doepke	Holberg	Mack	Quam	Westrom
Barrett	Downey	Hoppe	Mazorol	Runbeck	Woodard
Beard	Drazkowski	Howes	McDonald	Sanders	Spk. Zellers
Benson, M.	Erickson	Kelly	McElfatrick	Schomacker	
Bills	Fabian	Kieffer	McFarlane	Scott	
Buesgens	Franson	Kiel	McNamara	Shimanski	
Cornish	Garofalo	Kiffmeyer	Murdock	Smith	
Crawford	Gottwalt	Kriesel	Murray	Stensrud	

Those who voted in the negative were:

Anzelc	Fritz	Hortman	Lesch	Murphy, E.	Simon
Atkins	Gauthier	Hosch	Liebling	Murphy, M.	Slawik
Brynaert	Greene	Huntley	Lillie	Nelson	Slocum
Carlson	Greiling	Johnson	Loeffler	Norton	Thissen
Champion	Hansen	Kahn	Mahoney	Paymar	Tillberry
Clark	Hausman	Kath	Mariani	Pelowski	Wagenius
Davnie	Hayden	Knuth	Marquart	Persell	Ward
Dill	Hilstrom	Koenen	Melin	Peterson, S.	Winkler
Eken	Hilty	Laine	Moran	Poppe	
Falk	Hornstein	Lenczewski	Morrow	Rukavina	
			Mullery	Scalze	

The motion prevailed and the amendment was adopted.

Gauthier offered an amendment to S. F. No. 509, the unofficial engrossment, as amended.

POINT OF ORDER

Holberg raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Gauthier amendment was not in order. The Speaker ruled the point of order well taken and the Gauthier amendment out of order.

Winkler appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 73 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Abeler	Dauids	Hackbarth	Leidiger	Nornes	Swedzinski
Anderson, B.	Dean	Hamilton	LeMieur	O'Driscoll	Torkelson
Anderson, D.	Dettmer	Hancock	Lohmer	Pelowski	Urdahl
Anderson, P.	Doepke	Hayden	Loon	Peppin	Vogel
Anderson, S.	Downey	Holberg	Mack	Petersen, B.	Wardlow
Barrett	Drazkowski	Hoppe	Mazorol	Quam	Westrom
Beard	Erickson	Howes	McDonald	Runbeck	Woodard
Benson, M.	Fabian	Kelly	McElfrick	Sanders	Spk. Zellers
Bills	Franson	Kieffer	McFarlane	Schomacker	
Buesgens	Garofalo	Kiel	McNamara	Scott	
Cornish	Gottwalt	Kiffmeyer	Murdock	Shimanski	
Crawford	Gruenhagen	Kriesel	Murray	Smith	
Daudt	Gunther	Lanning	Myhra	Stensrud	

Those who voted in the negative were:

Anzelc	Falk	Hortman	Lesch	Mullery	Scalze
Atkins	Fritz	Hosch	Liebling	Murphy, E.	Simon
Brynaert	Gauthier	Huntley	Lillie	Murphy, M.	Slocum
Carlson	Greene	Johnson	Loeffler	Nelson	Thissen
Champion	Greiling	Kahn	Mahoney	Norton	Tillberry
Clark	Hansen	Kath	Mariani	Paymar	Wagenius
Davnie	Hausman	Knuth	Marquart	Persell	Ward
Dill	Hilstrom	Koenen	Melin	Peterson, S.	Winkler
Dittrich	Hilty	Laine	Moran	Poppe	
Eken	Hornstein	Lenczewski	Morrow	Rukavina	

So it was the judgment of the House that the decision of the Speaker should stand.

Kath moved to amend S. F. No. 509, the unofficial engrossment, as amended, as follows:

Page 23, after line 6, insert:

"(c) \$23,347,000 is appropriated from the general fund to the secretary of state in fiscal year 2013 for the reimbursement of costs incurred by counties, cities, and townships to implement the requirements of this act. The secretary of state shall conduct a cost survey to determine the appropriate reimbursement for each unit of government. Any amount of this appropriation remaining after all counties, cities, and townships have been reimbursed shall be returned to the general fund."

A roll call was requested and properly seconded.

The question was taken on the Kath amendment and the roll was called. There were 58 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anzelc	Champion	Dill	Falk	Greene	Hausman
Brynaert	Clark	Dittrich	Fritz	Greiling	Hayden
Carlson	Davnie	Eken	Gauthier	Hansen	Hilstrom

Hilty	Kath	Lillie	Mullery	Peterson, S.	Thissen
Hornstein	Knuth	Mahoney	Murphy, E.	Poppe	Tillberry
Hortman	Koenen	Mariani	Murphy, M.	Rukavina	Wagenius
Hosch	Laine	Marquart	Nelson	Scalze	Ward
Huntley	Lenczewski	Melin	Norton	Simon	Winkler
Johnson	Lesch	Moran	Paymar	Slawik	
Kahn	Liebling	Morrow	Persell	Slocum	

Those who voted in the negative were:

Abeler	Crawford	Gruenhagen	Lanning	Murray	Smith
Anderson, B.	Daudt	Gunther	Leidiger	Myhra	Stensrud
Anderson, D.	Davids	Hackbarth	LeMieur	Nornes	Swedzinski
Anderson, P.	Dean	Hamilton	Loeffler	O'Driscoll	Torkelson
Anderson, S.	Dettmer	Hancock	Lohmer	Pelowski	Urdahl
Atkins	Doepke	Holberg	Loon	Peppin	Vogel
Banaian	Downey	Hoppe	Mack	Petersen, B.	Wardlow
Barrett	Drazkowski	Howes	Mazorol	Quam	Westrom
Beard	Erickson	Kelly	McDonald	Runbeck	Woodard
Benson, M.	Fabian	Kieffer	McElpatrick	Sanders	Spk. Zellers
Bills	Franson	Kiel	McFarlane	Schomacker	
Buesgens	Garofalo	Kiffmeyer	McNamara	Scott	
Cornish	Gottwalt	Kriesel	Murdock	Shimanski	

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

Kiffmeyer and Benson, M., moved to amend S. F. No. 509, the unofficial engrossment, as amended, as follows:

Page 23, after line 11, insert:

"Section 1. Minnesota Statutes 2010, section 10A.20, subdivision 2, is amended to read:

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

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

(c) In each general election year, a political committee or political fund must file reports 28 and 15 days before a primary and 42 and ten days before a general election. Beginning in 2012, reports required under this paragraph must also be filed 56 days before a primary.

(d) In each general election year, a party unit must file reports 15 days before a primary and ten days before a general election.

(e) The treasurer of a political committee, political fund, principal campaign committee, or party unit that has received contributions or made expenditures that in aggregate within the year exceed \$5,000 must file a report with the board by April 7 in each year and by July 7 and October 7 in years when there is no general election."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Simon moved to amend S. F. No. 509, the unofficial engrossment, as amended, as follows:

Page 1, after line 29, insert:

"Section 1. Minnesota Statutes 2010, section 13.607, is amended by adding a subdivision to read:

Subd. 9. **Data derived from driver's license applications.** Data on an application for a driver's license, a Minnesota identification card, or a learner's permit transferred to the secretary of state that are provided by a person whom the secretary of state determines is not eligible to vote is governed by section 201.161.

EFFECTIVE DATE. This section is effective August 1, 2015.

Page 14, after line 16, insert:

"Sec. 21. Minnesota Statutes 2010, section 201.121, subdivision 2, is amended to read:

Subd. 2. **Notice of registration; challenges.** The county auditor shall mail a notice indicating the individual's name, address, precinct and polling place to each registered voter. The notice must inform the voter that if eligible, the voter is now registered to vote, that it is a felony to vote if an individual is not eligible, and that the voter should immediately call the county auditor if the voter is not eligible or does not want to be registered to vote. The notice must contain a description of voter eligibility criteria. The notice must also inform the voter that the voter may contact the county auditor to correct the registration. The notice must provide the contact information for the county auditor. The notice shall indicate that it must be returned if it is not deliverable to the voter at the named address. Upon return of the notice by the postal service, the county auditor shall change the registrant's status to "challenged" in the statewide registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote.

EFFECTIVE DATE. This section is effective August 1, 2015.

Sec. 22. Minnesota Statutes 2010, section 201.161, is amended to read:

201.161 AUTOMATIC REGISTRATION OF DRIVER'S LICENSE, INSTRUCTION PERMIT, AND IDENTIFICATION CARD APPLICATIONS APPLICANTS.

Subdivision 1. **Automatic registration.** An individual who properly completes an application for a new or renewed Minnesota driver's license, instruction permit, or identification card, and who is eligible to vote under section 201.014, must be registered to vote as provided in this section, unless the applicant declines to be registered.

Subd. 2. **Applications.** ~~The Department commissioner~~ The commissioner of public safety, in consultation with the secretary of state, shall change ~~its~~ the applications for an original, duplicate, or change of address driver's license, instruction permit, or identification card so that the forms may also serve as voter registration applications. The forms must contain spaces for all information collected by voter registration applications prescribed by the secretary of state and a box for the applicant to decline to be registered to vote. ~~Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time and that information must be transmitted at least weekly~~ Unless the applicant has declined to be registered to vote or has provided an address other than the applicant's address of residence under section 5B.05 or 171.12, subdivision 7, paragraph (d), the commissioner shall transmit the information daily by electronic means to the secretary of state. Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the computerized driver's license record containing the voter's name, address, date of birth, citizenship, driver's license number or state identification number, county, ~~town, and city~~ or town, and signature must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Subd. 3. Registration. (a) The secretary of state shall determine whether the applicant is currently registered in the statewide voter registration system. For each currently registered voter whose name or address data is identical, the secretary of state shall update the voter's registration data in the statewide voter registration system. For each currently registered voter whose name or address data is not identical, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

(b) If the applicant is not currently registered in the statewide voter registration system, the secretary of state shall determine whether the data indicate that the applicant is 18 years of age or older and a citizen of the United States and compare the voter registration information received from the commissioner of public safety with the information on wards, incompetents, and felons received from the state court administrator under sections 201.15 and 201.155, and with data received from the commissioner of corrections under section 201.157, to determine whether the applicant is ineligible to vote. If an applicant is less than 18 years of age, the secretary of state shall wait until the applicant has turned 18 years of age to determine whether the applicant is otherwise ineligible to vote. For each applicant the secretary of state has not found to be ineligible, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

(c) Any data on applicants who the secretary of state determines are not eligible to vote are private data on individuals.

Subd. 4. Notice. Upon receipt of the registration, the county auditor shall process the registration and mail to the voter the notice of registration required by section 201.121, subdivision 2.

Subd. 5. Effective date. An application for registration that is dated during the 20 days before an election in any jurisdiction within which the voter resides is not effective until the day after the election.

EFFECTIVE DATE. This section is effective August 1, 2015."

Page 15, after line 2, insert:

"Sec. 24. Minnesota Statutes 2010, section 204C.08, is amended by adding a subdivision to read:

Subd. 2b. Roster notice. A notice must be placed prominently by the roster to inform each voter that by signing the roster, the voter is swearing or affirming that the voter is eligible to vote, and that it is a felony for an individual to vote if the individual is not eligible. The notice must provide a description of eligibility criteria for voting.

EFFECTIVE DATE. This section is effective August 1, 2015."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Simon amendment and the roll was called. There were 59 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anzelc	Carlson	Davnie	Eken	Gauthier	Hansen
Atkins	Champion	Dill	Falk	Greene	Hausman
Brynaert	Clark	Dittrich	Fritz	Greiling	Hayden

Hilstrom	Kahn	Liebling	Moran	Paymar	Slocum
Hilty	Kath	Lillie	Morrow	Persell	Thissen
Hornstein	Knuth	Loeffler	Mullery	Peterson, S.	Tillberry
Hortman	Koenen	Mahoney	Murphy, E.	Rukavina	Wagenius
Hosch	Laine	Mariani	Murphy, M.	Scalze	Ward
Huntley	Lenczewski	Marquart	Nelson	Simon	Winkler
Johnson	Lesch	Melin	Norton	Slawik	

Those who voted in the negative were:

Abeler	Daudt	Hackbarth	LeMieur	O'Driscoll	Swedzinski
Anderson, B.	Dauids	Hamilton	Lohmer	Pelowski	Torkelson
Anderson, D.	Dean	Hancock	Loon	Peppin	Urdahl
Anderson, P.	Doepke	Holberg	Mack	Petersen, B.	Vogel
Anderson, S.	Downey	Hoppe	Mazorol	Poppe	Wardlow
Banaian	Drazkowski	Howes	McDonald	Quam	Westrom
Barrett	Erickson	Kelly	McElfatrick	Runbeck	Woodard
Beard	Fabian	Kieffer	McFarlane	Sanders	Spk. Zellers
Benson, M.	Franson	Kiel	McNamara	Schomacker	
Bills	Garofalo	Kiffmeyer	Murdock	Scott	
Buesgens	Gottwalt	Kriesel	Murray	Shimanski	
Cornish	Gruenhagen	Lanning	Myhra	Smith	
Crawford	Gunther	Leidiger	Nornes	Stensrud	

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

Gunther was excused for the remainder of today's session.

S. F. No. 509, as amended, was read for the third time.

MOTION TO LAY ON THE TABLE

Falk moved that S. F. No. 509, the unofficial engrossment, as amended, be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Falk motion and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anzelc	Falk	Hornstein	Lesch	Mullery	Rukavina
Atkins	Fritz	Hortman	Liebling	Murphy, E.	Scalze
Brynaert	Gauthier	Hosch	Lillie	Murphy, M.	Simon
Carlson	Greene	Huntley	Loeffler	Nelson	Slawik
Champion	Greiling	Johnson	Mahoney	Norton	Slocum
Clark	Hansen	Kahn	Mariani	Paymar	Thissen
Davnie	Hausman	Kath	Marquart	Pelowski	Tillberry
Dill	Hayden	Knuth	Melin	Persell	Wagenius
Dittrich	Hilstrom	Koenen	Moran	Peterson, S.	Ward
Eken	Hilty	Lenczewski	Morrow	Poppe	Winkler

Those who voted in the negative were:

Abeler	Crawford	Gottwalt	Kriesel	Murdock	Shimanski
Anderson, B.	Daudt	Gruenhagen	Lanning	Murray	Smith
Anderson, D.	Dauids	Hackbarth	Leidiger	Myhra	Stensrud
Anderson, P.	Dean	Hamilton	LeMieur	Nornes	Swedzinski
Anderson, S.	Dettmer	Hancock	Lohmer	O'Driscoll	Torkelson
Banaian	Doepke	Holberg	Loon	Peppin	Urdahl
Barrett	Downey	Hoppe	Mack	Petersen, B.	Vogel
Beard	Drazkowski	Howes	Mazorol	Quam	Wardlow
Benson, M.	Erickson	Kelly	McDonald	Runbeck	Westrom
Bills	Fabian	Kieffer	McElpatrick	Sanders	Woodard
Buesgens	Franson	Kiel	McFarlane	Schomacker	Spk. Zellers
Cornish	Garofalo	Kiffmeyer	McNamara	Scott	

The motion did not prevail.

S. F. No. 509, A bill for an act relating to elections; requiring voters to provide picture identification before receiving a ballot in most situations; providing for the issuance of voter identification cards at no charge; establishing a procedure for provisional balloting; creating challenged voter eligibility list; specifying other election administration procedures; allowing use of electronic polling place rosters; setting standards for use of electronic polling place rosters; creating legislative task force on electronic roster implementation; enacting procedures related to recounts; appropriating money; amending Minnesota Statutes 2010, sections 13.69, subdivision 1; 135A.17, subdivision 2; 171.01, by adding a subdivision; 171.06, subdivisions 1, 2, 3, by adding a subdivision; 171.061, subdivisions 1, 3, 4; 171.07, subdivisions 1a, 4, 9, 14, by adding a subdivision; 171.071; 171.11; 171.14; 200.02, by adding a subdivision; 201.021; 201.022, subdivision 1; 201.061, subdivisions 3, 4, 7; 201.071, subdivision 3; 201.081; 201.121, subdivisions 1, 3; 201.171; 201.221, subdivision 3; 203B.04, subdivisions 1, 2; 203B.06, subdivision 5; 203B.121, subdivision 1; 204B.14, subdivision 2; 204B.40; 204C.10; 204C.12, subdivisions 3, 4; 204C.14; 204C.20, subdivisions 1, 2, 4, by adding a subdivision; 204C.23; 204C.24, subdivision 1; 204C.32; 204C.33, subdivision 1; 204C.37; 204C.38; 204D.24, subdivision 2; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10, subdivision 3; 206.86, subdivisions 1, 2; 209.021, subdivision 1; 209.06, subdivision 1; 211B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 200; 201; 204C; 299A; proposing coding for new law as Minnesota Statutes, chapters 204E; 206A; repealing Minnesota Statutes 2010, sections 203B.04, subdivision 3; 204C.34; 204C.35; 204C.36; 204C.361.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Bills	Doepke	Hackbarth	Kiffmeyer	Mazorol
Anderson, B.	Buesgens	Downey	Hamilton	Kriesel	McDonald
Anderson, D.	Cornish	Drazkowski	Hancock	Lanning	McElpatrick
Anderson, P.	Crawford	Erickson	Holberg	Leidiger	McFarlane
Anderson, S.	Daudt	Fabian	Hoppe	LeMieur	McNamara
Banaian	Dauids	Franson	Howes	Lenczewski	Murdock
Barrett	Dean	Garofalo	Kelly	Lohmer	Murray
Beard	Dettmer	Gottwalt	Kieffer	Loon	Myhra
Benson, M.	Dittrich	Gruenhagen	Kiel	Mack	Nornes

O'Driscoll	Runbeck	Shimanski	Torkelson	Westrom
Peppin	Sanders	Smith	Urdahl	Woodard
Petersen, B.	Schomacker	Stensrud	Vogel	Spk. Zellers
Quam	Scott	Swedzinski	Wardlow	

Those who voted in the negative were:

Anzelc	Fritz	Hortman	Liebling	Murphy, E.	Scalze
Atkins	Gauthier	Hosch	Lillie	Murphy, M.	Simon
Brynaert	Greene	Huntley	Loeffler	Nelson	Slawik
Carlson	Greiling	Johnson	Mahoney	Norton	Slocum
Champion	Hansen	Kahn	Mariani	Paymar	Thissen
Clark	Hausman	Kath	Marquart	Pelowski	Tillberry
Davnie	Hayden	Knuth	Melin	Persell	Wagenius
Dill	Hilstrom	Koenen	Moran	Peterson, S.	Ward
Eken	Hilty	Laine	Morrow	Poppe	Winkler
Falk	Hornstein	Lesch	Mullery	Rukavina	

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

Kriesel and Slawik were excused for the remainder of today's session.

H. F. No. 1105, A bill for an act relating to motor vehicles; modifying provisions related to pickup trucks; amending Minnesota Statutes 2010, sections 168.002, subdivisions 24, 26, 40, by adding subdivisions; 168.021, subdivision 1; 168.12, subdivisions 1, 2b; 168.123, subdivision 1; Laws 2008, chapter 350, article 1, section 5, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Fritz	Hortman	Lesch	Morrow
Anderson, B.	Crawford	Garofalo	Hosch	Liebling	Mullery
Anderson, D.	Daudt	Gauthier	Howes	Lillie	Murdock
Anderson, P.	Davids	Gottwalt	Johnson	Loeffler	Murphy, E.
Anderson, S.	Davnie	Greene	Kahn	Lohmer	Murphy, M.
Anzelc	Dean	Greiling	Kath	Loon	Myhra
Atkins	Dettmer	Gruenhagen	Kelly	Mack	Nornes
Banaian	Dill	Hackbarth	Kieffer	Mahoney	Norton
Barrett	Dittrich	Hamilton	Kiel	Mariani	O'Driscoll
Beard	Doepke	Hancock	Kiffmeyer	Marquart	Paymar
Benson, M.	Downey	Hausman	Knuth	Mazorol	Pelowski
Bills	Drazkowski	Hayden	Koenen	McDonald	Peppin
Brynaert	Eken	Hilstrom	Laine	McElfatrick	Persell
Buesgens	Erickson	Hilty	Lanning	McFarlane	Petersen, B.
Carlson	Fabian	Holberg	Leidiger	McNamara	Peterson, S.
Champion	Falk	Hoppe	LeMieur	Melin	Poppe
Clark	Franson	Hornstein	Lenczewski	Moran	Quam

Rukavina	Schomacker	Smith	Torkelson	Ward	Woodard
Runbeck	Scott	Stensrud	Urdahl	Wardlow	Spk. Zellers
Sanders	Shimanski	Swedzinski	Vogel	Westrom	
Scalze	Simon	Tillberry	Wagenius	Winkler	

Those who voted in the negative were:

Hansen	Huntley	Nelson	Slocum	Thissen
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The bill was passed and its title agreed to.

Hosch was excused for the remainder of today's session.

H. F. No. 1139, A bill for an act relating to local government; authorizing single source acquisition of public safety equipment; authorizing long-term leasing of public safety equipment; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hausman	Leidiger	Mullery	Scalze
Anderson, B.	Dill	Hayden	LeMieur	Murdock	Schomacker
Anderson, D.	Dittrich	Hilstrom	Lenczewski	Murphy, E.	Scott
Anderson, P.	Doepke	Hilty	Lesch	Murphy, M.	Shimanski
Anderson, S.	Downey	Holberg	Liebling	Murray	Simon
Anzelc	Drazkowski	Hoppe	Lillie	Myhra	Slocum
Atkins	Eken	Hornstein	Loeffler	Nelson	Smith
Banaian	Erickson	Hortman	Lohmer	Nornes	Stensrud
Barrett	Fabian	Howes	Loon	Norton	Swedzinski
Beard	Falk	Huntley	Mack	O'Driscoll	Tillberry
Benson, M.	Franson	Johnson	Mahoney	Paymar	Torkelson
Bills	Fritz	Kahn	Mariani	Pelowski	Urdahl
Brynaert	Garofalo	Kath	Marquart	Peppin	Vogel
Carlson	Gottwalt	Kelly	Mazorol	Persell	Wagenius
Champion	Greene	Kieffer	McDonald	Petersen, B.	Ward
Clark	Greiling	Kiel	McElfatrick	Peterson, S.	Wardlow
Cornish	Gruenhagen	Kiffmeyer	McFarlane	Poppe	Westrom
Crawford	Hackbarth	Knuth	McNamara	Quam	Winkler
Daudt	Hamilton	Koenen	Melin	Rukavina	Woodard
Davids	Hancock	Laine	Moran	Runbeck	Spk. Zellers
Dean	Hansen	Lanning	Morrow	Sanders	

Those who voted in the negative were:

Buesgens	Davnie	Thissen
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The bill was passed and its title agreed to.

H. F. No. 493, A bill for an act relating to motor vehicles; authorizing alternative site for keeping motor vehicle dealer records; modifying provision related to motor vehicle registration; amending Minnesota Statutes 2010, sections 168.017, subdivision 3; 168A.11, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Hancock	Lanning	Morrow	Scalze
Anderson, B.	Dean	Hausman	Leidiger	Mullery	Schomacker
Anderson, D.	Dettmer	Hayden	LeMieur	Murdock	Scott
Anderson, P.	Dill	Hilstrom	Lenczewski	Murphy, M.	Shimanski
Anderson, S.	Dittrich	Hilty	Lesch	Murray	Simon
Anzelc	Doepke	Holberg	Liebling	Myhra	Slocum
Atkins	Downey	Hoppe	Lillie	Nelson	Smith
Banaian	Drazkowski	Hornstein	Loeffler	Nornes	Stensrud
Barrett	Eken	Hortman	Lohmer	Norton	Swedzinski
Beard	Erickson	Howes	Loon	O'Driscoll	Tillberry
Benson, M.	Fabian	Huntley	Mack	Paymar	Torkelson
Bills	Franson	Johnson	Mahoney	Pelowski	Urdahl
Brynaert	Fritz	Kahn	Mariani	Peppin	Vogel
Buesgens	Garofalo	Kath	Marquart	Persell	Ward
Carlson	Gauthier	Kelly	Mazorol	Petersen, B.	Wardlow
Champion	Gottwalt	Kieffer	McDonald	Peterson, S.	Westrom
Clark	Greene	Kiel	McElfatrick	Poppe	Winkler
Cornish	Greiling	Kiffmeyer	McFarlane	Quam	Woodard
Crawford	Gruenhagen	Knuth	McNamara	Rukavina	Spk. Zellers
Daudt	Hackbarth	Koenen	Melin	Runbeck	
Davids	Hamilton	Laine	Moran	Sanders	

Those who voted in the negative were:

Falk	Hansen	Murphy, E.	Thissen	Wagenius
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The bill was passed and its title agreed to.

Scalze was excused for the remainder of today's session.

H. F. No. 447 was reported to the House.

Kelly moved to amend H. F. No. 447, the first engrossment, as follows:

Page 20, line 35, delete "human services referee" and insert "administrative law judge"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 447, A bill for an act relating to vulnerable adults; modifying provisions governing investigations, reviews, and hearings; making the crime of criminal abuse of a vulnerable adult a registrable offense under the predatory offender registration law; changing terminology; increasing the criminal penalty for assaulting a vulnerable adult; providing criminal penalties; amending Minnesota Statutes 2010, sections 144.7065, subdivision 10; 243.166, subdivision 1b; 256.021; 256.045, subdivision 4; 518.165, subdivision 5; 524.5-118, subdivision 2; 609.2231, by adding a subdivision; 609.224, subdivision 2; 626.557, subdivisions 9, 9a, 9c, 9d, 12b, by adding a subdivision; 626.5571, subdivision 1; 626.5572, subdivision 13.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Hausman	LeMieur	Murphy, E.	Simon
Anderson, B.	Dettmer	Hayden	Lenczewski	Murphy, M.	Slocum
Anderson, D.	Dittrich	Hilstrom	Lesch	Murray	Smith
Anderson, P.	Doepke	Hilty	Liebling	Myhra	Stensrud
Anderson, S.	Downey	Holberg	Lillie	Nelson	Swedzinski
Anzelc	Drazkowski	Hoppe	Loeffler	Nornes	Thissen
Atkins	Eken	Hornstein	Lohmer	Norton	Tillberry
Banaian	Erickson	Hortman	Loon	O'Driscoll	Torkelson
Barrett	Fabian	Howes	Mack	Paymar	Urdahl
Beard	Falk	Huntley	Mahoney	Pelowski	Vogel
Benson, M.	Franson	Johnson	Mariani	Peppin	Wagenius
Bills	Fritz	Kahn	Marquart	Persell	Ward
Brynaert	Garofalo	Kath	Mazorol	Petersen, B.	Wardlow
Buesgens	Gauthier	Kelly	McDonald	Peterson, S.	Westrom
Carlson	Gottwalt	Kieffer	McElfrick	Poppe	Winkler
Champion	Greene	Kiel	McFarlane	Quam	Woodard
Clark	Greiling	Kiffmeyer	McNamara	Rukavina	Spk. Zellers
Cornish	Gruenhagen	Knuth	Melin	Runbeck	
Crawford	Hackbarth	Koenen	Moran	Sanders	
Daudt	Hamilton	Laine	Morrow	Schomacker	
Davids	Hancock	Lanning	Mullery	Scott	
Davnie	Hansen	Leidiger	Murdock	Shimanski	

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

Dean moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Downey moved that the name of Wardlow be added as an author on H. F. No. 545. The motion prevailed.

Hamilton moved that his name be stricken as an author on H. F. No. 1513. The motion prevailed.

Hoppe moved that the name of Kiffmeyer be added as an author on H. F. No. 1661. The motion prevailed.

Dittrich, O'Driscoll, Rukavina, Downey and McFarlane introduced:

House Resolution No. 4, A House resolution recognizing May 12 as School Trust Lands Day.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 9:30 a.m., Friday, May 6, 2011. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Friday, May 6, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives