

❖ *Minnesota Senate*❖ *Senators***State Government Finance and Policy and Elections**

**Chair:** Kiffmeyer **Vice Chair:** Koran  
**Office:** Room 3103 MSB **Phone:** (651) 296-5655  
**Meets:** Tue and Thu 1:00 - 2:30 pm Room 1200 MSB  
**Members:** 10

Carlson (L)	Kent	Nelson	Rest
Jasinski	Laine	Newman	Westrom

**Taxes**

**Chair:** Chamberlain **Vice Chair:** Senjem  
**Office:** Room 3225 MSB **Phone:** (651) 296-1253  
**Meets:** Tue, Wed, Thu 8:30 - 10:00 am Room 15 Capitol  
**Members:** 10

Anderson, P.	Dziedzic	Gazelka	Pratt
Bakk	Franzen	Miller	Rest (L)

**Transportation Policy and Budget Division**

**Chair:** Newman **Vice Chair:** Jasinski  
**Office:** Room 3105 MSB **Phone:** (651) 296-4131  
**Meets:** Tue and Wed 10:30 am - Noon Room 1200 MSB  
**Members:** 15

Anderson, B.	Frentz	Kent	Osmek
Carlson	Hall	Kiffmeyer	Senjem
Dibble (L)	Jensen	Little	Westrom
Franzen			

**Veterans and Military Affairs Finance and Policy**

**Chair:** Anderson, B. **Vice Chair:** Lang  
**Office:** Room 3209 MSB **Phone:** (651) 296-5981  
**Meets:** Thu 8:30 - 10 am Room 1100 MSB  
**Members:** 11

Bigham	Hall	Housley	Newton (L)
Cwodzinski	Hawj	Little	Ruud
Goggin			

**2018  
Directory  
and  
Committee  
Assignments**

Compiled by Senate Information Office  
231 Cap / G204 MSB

02/21/2018

Party	Phone (651)29	Name	Office	District	Party	Phone (651)29	Name	Office	District
R	6-3733	Abeler, Jim	3215 MSB	35	R	6-5655	Kiffmeyer, Mary	3103 MSB	30
R	6-5981	Anderson, Bruce D.	3209 MSB	29	DFL	6-4370	Klein, Matt	2409 MSB	52
R	6-9261	Anderson, Paul T.	2103 MSB	44	R	6-5419	Koran, Mark	3101 MSB	32
DFL	6-8881	Bakk, Thomas M.	2221 MSB	03	DFL	6-4334	Laine, Carolyn	2327 MSB	41
R	6-3219	Benson, Michelle R.	3109 MSB	31	R	6-4918	Lang, Andrew	3205 MSB	17
DFL	7-8060	Bigham, Karla	3411 MSB	54	DFL	7-8065	Latz, Ron	2215 MSB	46
DFL	7-8073	Carlson, Jim	2207 MSB	51	R	6-2159	Limmer, Warren	3221 MSB	34
R	6-1253	Chamberlain, Roger C.	3225 MSB	38	DFL	6-5252	Little, Matt	2413 MSB	58
DFL	6-9246	Champion, Bobby Joe	2303 MSB	59	DFL	6-0293	Lourey, Tony	2211 MSB	11
DFL	6-4120	Clausen, Greg D.	2233 MSB	57	DFL	6-5645	Marty, John	2401 MSB	66
DFL	6-5931	Cohen, Richard	2301 MSB	64	R	6-8075	Mathews, Andrew	3409 MSB	15
DFL	6-1314	Cwodzinski, Steve A.	2319 MSB	48	R	6-5649	Miller, Jeremy R.	3107 MSB	28
R	6-8138	Dahms, Gary H.	2111 MSB	16	R	6-4848	Nelson, Carla J.	3231 MSB	26
DFL	6-4191	Dibble, D. Scott	2213 MSB	61	R	6-4131	Newman, Scott J.	3105 MSB	18
R	6-5558	Draheim, Rich	3227 MSB	20	DFL	6-2556	Newton, Jerry	2411 MSB	37
DFL	6-7809	Dziedzic, Kari	2203 MSB	60	R	6-1282	Osmek, David J.	2107 MSB	33
DFL	6-8869	Eaton, Chris A.	2403 MSB	40	DFL	6-1802	Pappas, Sandra L.	3205 MSB	65
R	6-7079	Eichorn, Justin	3213 MSB	05	R	6-4123	Pratt, Eric R.	3219 MSB	55
DFL	6-3205	Eken, Kent	2227 MSB	04	R	6-6455	Relph, Jerry	3211 MSB	14
R	6-2084	Fischbach, Michelle L.	2113 MSB	13	DFL	6-2889	Rest, Ann H.	2217 MSB	45
DFL	6-6238	Franzen, Melisa	2229 MSB	49	R	6-5713	Rosen, Julie A.	3235 MSB	23
DFL	6-6153	Frentz, Nick A.	2415 MSB		R	6-4913	Ruud, Carrie	2233 MSB	10
R	6-4875	Gazelka, Paul E.	3113 MSB	09	R	6-3903	Senjem, David H.	3401 MSB	25
R	6-5612	Goggin, Mike	3203 MSB	21	DFL	6-4188	Simonson, Erik	2417 MSB	07
R	6-5975	Hall, Dan D.	3111 MSB	56	DFL	6-9248	Sparks, Dan	2201 MSB	27
DFL	6-5285	Hawj, Foug	3413 MSB	67	DFL	6-8017	Tomassoni, David J.	2235 MSB	06
DFL	6-4261	Hayden, Jeff	2209 MSB	62	DFL	6-4274	Torres Ray, Patricia	2225 MSB	63
DFL	6-4154	Hoffman, John A.	2231 MSB	36	R	6-9651	Utke, Paul	3403 MSB	02
R	6-4351	Housley, Karin	3217 MSB	39	R	6-5650	Weber, Bill	2109 MSB	22
R	7-8063	Ingebriksen, Bill	3207 MSB	08	R	6-3826	Westrom, Torrey N.	3201 MSB	12
DFL	6-5537	Isaacson, Jason	2321 MSB	42	DFL	6-6820	Wiger, Charles W.	2219 MSB	43
R	6-0284	Jasinski, John	2101 MSB	24	DFL	7-8061	Wiklund, Melissa H.	2323 MSB	50
R	6-4837	Jensen, Scott	3229 MSB	47					
R	6-5782	Johnson, Mark	2105 MSB	01					
DFL	6-4166	Kent, Susan	2325 MSB	53					

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# ❖ Committees

## Aging and Long-Term Care Policy

**Chair:** Housley **Vice Chair:** Relph  
**Office:** Room 3217 MSB **Phone:** (651) 296-4351  
**Meets:** Wed 8:30 - 10:00 am Room 1100 MSB  
**Members:** 9

Abeler Frentz Koran Ruud  
 Eken (L) Hoffiman Newton

## Agriculture, Rural Development, and Housing Finance

**Chair:** Westrom **Vice Chair:** Johnson  
**Office:** Room 3201 MSB **Phone:** 651 296-3826  
**Meets:** Mon and Wed 3:00 - 4:30 pm Room 1150 MSB  
**Members:** 10

Draheim Eken Goggin Sparks  
 Dzedzic (L) Frentz Lang Weber

## Agriculture, Rural Development, and Housing Policy

**Chair:** Weber **Vice Chair:** Goggin  
**Office:** Room 2109 MSB **Phone:** (651) 296-5650  
**Meets:** Tue and Thu 3:00 - 4:30 pm Room 1150 MSB  
**Members:** 10

Draheim Hawj (L) Johnson Tomassoni  
 Eken Isaacson Lang Westrom

## Capital Investment

**Chair:** Senjem **Vice Chair:** Ingebrigtsen  
**Office:** Room 3401 MSB **Phone:** (651) 296-3903  
**Meets:** Call of the Chair in Room 1200 MSB  
**Members:** 18

Champion Hawj Miller Pappas (L)  
 Dahms Jasinski Nelson Relph  
 Eichorn Klein Newman Sparks  
 Eken Laine Osmek Wiger

## Commerce and Consumer Protection

**Finance and Policy**  
**Chair:** Dahms **Vice Chair:** Housley  
**Office:** Room 2111 MSB **Phone:** (651) 296-8138  
**Meets:** Tue and Wed 10:30 am - Noon Room 1100 MSB  
**Members:** 11

Chamberlain Koran Limmer Sparks (L)  
 Champion Latz Pratt Utke  
 Hayden

## E-12 Finance

**Chair:** Nelson **Vice Chair:** Dahms  
**Office:** Room 3231 MSB **Phone:** (651) 296-4848  
**Meets:** Mon and Wed 3:00 - 4:30 pm Room 1100 MSB  
**Members:** 10

Anderson, P. Eichorn Tomassoni Wiger (L)  
 Chamberlain Pratt Torres Ray Wiklund

## E-12 Policy

**Chair:** Pratt **Vice Chair:** Eichorn  
**Office:** Room 3219 MSB **Phone:** (651) 296-4123  
**Meets:** Tue and Thu 3:00 - 4:30 pm Room 1100 MSB  
**Members:** 10

Anderson, P. Clausen Dahms Kent (L)  
 Chamberlain Cwodzinski Hoffman Utke

## Energy and Utilities Finance and Policy

**Chair:** Osmek **Vice Chair:** Mathews  
**Office:** Room 2107 MSB **Phone:** (651) 296-1282  
**Meets:** Tue and Thu 1:00 - 2:30 pm Room 1150 MSB  
**Members:** 10

Dibble Hoffman Pratt Senjem  
 Goggin Marty (L) Rosen Simonson

## Environment and Natural Resources

**Finance**  
**Chair:** Ingebrigtsen **Vice Chair:** Ruud  
**Office:** Room 3207 MSB **Phone:** (651) 297-8063  
**Meets:** Tue and Wed 10:30 am - Noon Room 1150 MSB  
**Members:** 12

Bakk Hawj Mathews Tomassoni (L)  
 Bigham Johnson Simonson Weber  
 Eichorn Lang

(L) denotes Ranking Minority Member

## Environment and Natural Resources Policy and Legacy Finance

**Chair:** Ruud **Vice Chair:** Weber  
**Office:** Room 3233 MSB **Phone:** (651) 296-4913  
**Meets:** Mon and Wed 1:00 -2:30 pm Room 1200 MSB  
**Members:** 12

Carlson Eaton (L) Lang Senjem  
 Cwodzinski Eichorn Mathews Torres Ray  
 Dibble Koran

## Finance

**Chair:** Rosen **Vice Chair:** Fischbach  
**Office:** Room 3235 MSB **Phone:** (651) 296-5713  
**Meets:** Tue, Wed, Thu 8:30 - 10:00 am Room 1200 MSB  
**Members:** 13

Benson Eaton Lourey Newman  
 Cohen (L) Ingebrigtsen Marty Westrom  
 Champion Limmer Nelson

## Health and Human Services Finance & Policy

**Chair:** Benson **Vice Chair:** Jensen  
**Office:** Room 3109 MSB **Phone:** (651) 296-3219  
**Meets:** Tue and Thu 3:00 - 4:30 pm Room 1200 MSB  
**Members:** 14

Abeler Hayden Lourey (L) Nelson  
 Eaton Kiffmeyer Marty Rosen  
 Fischbach Klein Mathews Wiklund

## Higher Education Finance and Policy

**Chair:** Fischbach **Vice Chair:** Draheim  
**Office:** Room 2113 MSB **Phone:** (651) 296-2084  
**Meets:** Tue and Thu 1:00 - 2:30 pm Room 15 Capitol  
**Members:** 9

Abeler Clausen (L) Isaacson Newton  
 Anderson, P. Cohen Jensen

## Human Services Reform Finance and Policy

**Chair:** Abeler **Vice Chair:** Utke  
**Office:** Room 3215 MSB **Phone:** (651) 296-3733  
**Meets:** Mon and Wed 3:00 - 4:30 pm Room 1200 MSB  
**Members:** 12

Benson Isaacson Klein Relph  
 Hayden (L) Jensen Lourey Rosen  
 Hoffman Kiffmeyer

(L) denotes Ranking Minority Member

## Jobs and Economic Growth Finance and Policy

**Chair:** Miller **Vice Chair:** Anderson, P.  
**Office:** Room 3107 MSB **Phone:** (651) 296-5649  
**Meets:** Mon and Wed 1:00 -2:30 pm Room 1150 MSB  
**Members:** 10

Champion (L) Goggin Isaacson Simonson  
 Draheim Housley Little Utke

## Judiciary and Public Safety Finance and Policy

**Chair:** Limmer **Vice Chair:** Hall  
**Office:** Room 3221 MSB **Phone:** (651) 296-2159  
**Meets:** Mon, Tue, Wed 1:00 - 2:30 pm Room 1100 MSB  
**Members:** 9

Anderson, B. Ingebrigtsen Latz (L) Relph  
 Dzedzic Johnson Pappas

## Local Government

**Chair:** Hall **Vice Chair:** Anderson, B.  
**Office:** Room 3111 MSB **Phone:** (651) 296-5975  
**Meets:** Tue 8:30 - 10:00 am Room 1100 MSB  
**Members:** 10

Jasinski Mathews Relph Wiger  
 Laine Osmek Torres Ray (L) Wiklund

## Rules and Administration

**Chair:** Gazelka **Vice Chair:** Benson  
**Office:** MSB 3113 MSB **Phone:** (651) 296-4875  
**Meets:** Call of the Chair in Room 123 Capitol  
**Members:** 11

Bakk (L) Fischbach Newman Pratt  
 Cohen Limmer Pappas Rest  
 Dahms

(L) denotes Ranking Minority Member

(L) denotes Ranking Minority Member

## STATE OF MINNESOTA

**Journal of the Senate**

NINETIETH LEGISLATURE

SEVENTY-SECOND DAY

St. Paul, Minnesota, Monday, March 19, 2018

The Senate met at 11:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rabbi Marcia Zimmerman.

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

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

Abeler	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Westrom
Clausen	Goggin	Koran	Pappas	Wiger
Cohen	Hall	Laine	Pratt	Wiklund
Cwodzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

The President declared a quorum present.

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

**REPORTS OF COMMITTEES**

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

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**Senator Hayden introduced --**

**Senate Resolution No. 191:** A Senate resolution recognizing the musical accomplishments of Jose´ James of Minneapolis, Minnesota.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated S.F. No. 3133 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 3133:** A bill for an act relating to public safety; requiring the Legislative Advisory Committee to review MNLARS appropriation; appropriating money.

Senator Newman moved to amend S.F. No. 3133 as follows:

Delete everything after the enacting clause and insert:

"Section 1. **INFORMATION TECHNOLOGY AUDITOR; MNLARS ASSESSMENTS.**

Subdivision 1. **Appointment.** The legislative auditor must appoint an information technology auditor to actively monitor and report on the development and implementation of the Minnesota Licensing and Registration System (MNLARS). At a minimum, the person appointed to this position must have expertise in .NET coding.

Subd. 2. **Duties.** (a) The information technology auditor must conduct an assessment of MNLARS. The assessment must be provided to the MNLARS Steering Committee upon completion. At a minimum, the assessment must include:

(1) a technical assessment of the MNLARS system;

(2) an assessment of the feasibility of the MNLARS Project Roadmap proposed in January 2018, and any new or updated project roadmaps;

(3) an assessment of estimated funding needs for the continued development, operations, and maintenance of the MNLARS system; and

(4) an assessment of process changes and business flows for auto dealers and deputy registrars.

(b) The information technology auditor must make quarterly reports to the MNLARS Steering Committee, established in section 2, on:

(1) whether the commissioner of public safety and the chief information officer are in compliance with the plans required in section 2, subdivision 4; and

(2) whether the commissioner of public safety and the chief information officer are meeting the deadlines and performance measures in the timeline required in section 2, subdivision 4.

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

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Sec. 2. **MNLARS STEERING COMMITTEE; QUARTERLY FUNDING REVIEW.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Committee" means the MNLARS Steering Committee established in this section.

(c) "Commissioner" means the commissioner of management and budget or the commissioner's designee.

(d) "MNLARS" means the Minnesota Licensing and Registration System developed by the Department of Public Safety and the Office of MN.IT Services.

(e) "Information technology auditor" means the individual appointed by the legislative auditor pursuant to section 1, subdivision 1.

(f) "Quarter" means a three-month period starting on July 1, October 1, January 1, and April 1, in fiscal year 2019.

Subd. 2. **Meetings.** (a) The senate chair of the committee with jurisdiction over transportation finance must convene the initial meeting of the committee by May 1, 2018.

(b) The chairs of the house of representatives and senate committees with jurisdiction over transportation finance serve as cochairs of the committee.

(c) The committee must meet, at a minimum, once each quarter. The committee must review the report from the information technology auditor.

(d) The committee is subject to Minnesota Statutes, section 3.055, except that a member may vote by submitting a written statement indicating what recommendation the member makes, as provided in subdivision 5. This written statement must be treated in the same manner as the votes of the members present at the meeting. The notice must be submitted to all members prior to the start of the meeting where the vote will take place.

(e) The Legislative Coordinating Commission must provide meeting space and administrative services for the committee.

Subd. 3. **MNLARS Steering Committee.** (a) The committee is made up of the following members:

(1) the senate majority leader, or a senator appointed by the majority leader;

(2) the chair and ranking minority member of the senate committee with jurisdiction over transportation finance;

(3) the speaker of the house of representatives, or a member of the house of representatives appointed by the speaker; and

(4) the chair and ranking minority member of the house of representatives committee with jurisdiction over transportation finance.

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Subd. 4. **Plans; timeline; performance measures; reports.** (a) By May 15, 2018, the commissioner of public safety and the state chief information officer must submit to the committee:

(1) a proposed progress timeline for the development and implementation of MNLARS that includes specific deadlines and performance measures that must be met quarterly;

(2) a plan for user acceptance testing, including metropolitan and out-state deputy registrars and auto dealers, to the extent such testing is deemed feasible by the Minnesota Deputy Registrar's Association and the Minnesota Automobile Dealer's Association;

(3) a plan for system stakeholder input on code releases to the MNLARS system;

(4) a proposed communications plan for transparent reporting on outages and slowdowns to system stakeholders, including how to provide timely information in a usable format, actions taken in response to communication, and responses from the Department of Public Safety and the Office of MN.IT Services;

(5) a proposed communications plan for postrelease reporting on features and fixes to system stakeholders; and

(6) a proposed plan for creating greater efficiencies and streamlining the vehicle title process to reduce the current backlog and to minimize any future backlogs.

(b) At a minimum, the performance measures required in the timeline must provide specific metrics to monitor MNLARS development and implementation activities, including measures of:

(1) the extent to which MNLARS defects have been resolved;

(2) the extent to which gaps in MNLARS functionality have been resolved;

(3) improvements in the ability of MNLARS users to edit transactions;

(4) reduction in the backlog of vehicle titles;

(5) the extent of errors in driver or vehicle transactions;

(6) system performance, including the extent of any slowdowns, outages, or other system performance issues; and

(7) customer service responsiveness, which may include the number of phone calls and e-mails from the general public and stakeholders, and the timeliness of inquiry responses.

(c) The committee must review the proposed timeline and plans. The committee may request that the commissioner of public safety and the state chief information officer make changes to the timeline and plans. By June 1, 2018, the committee must approve a timeline and plans. The cochair must transmit copies of the timeline and plans to the information technology auditor.

(d) Between 20 and 30 days before the start of each quarter, the commissioner of public safety and the state chief information officer must each submit a report to the committee on the progress of the performance measures identified in paragraph (b). Between 20 and 30 days before the start

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of each quarter, the Minnesota Deputy Registrar's Association and the Minnesota Automobile Dealer's Association are each encouraged to submit a report to the committee on the progress of the relevant performance measures identified in paragraph (b).

Subd. 5. **Review of MNLARS appropriation.** (a) Funds appropriated to the Department of Public Safety for MNLARS are divided into four equal quarters. The commissioner must allot a quarter of the funds on July 1, October 1, January 1, and April 1, unless directed otherwise by the committee as provided in this section. Twenty days prior to the start of a quarter, the commissioner must submit the proposed funding allotment to the members of the committee for review and recommendation. The commissioner of public safety and the state chief information officer must provide information to the committee to enable the committee members to determine whether the deadlines and performance measures have been met for the quarter. The committee members have 20 days from the receipt of the proposal to determine whether the Department of Public Safety and the Office of MN.IT Services have met the deadlines and performance measures established in subdivision 4. If no recommendation is made during the 20-day review period, the commissioner may allot the quarterly funds to the Department of Public Safety for MNLARS. If a majority of the committee members make a negative recommendation based on the failure to meet deadlines or performance measures or recommend further review to determine whether deadlines and performance measures have been met during the 20-day review period, the committee may defer all future payments, slow the next allotment, or condition the next allotment. Accordingly, the commissioner must defer, slow, or condition the quarterly funds to the Department of Public Safety for MNLARS.

(b) A committee member, by written notice to the commissioner, may withdraw a negative recommendation or a recommendation for further review within 20 days of making the recommendation. If a majority of members make a negative recommendation or a recommendation for further review, but members subsequently withdraw recommendations under this paragraph so that two or fewer recommendations remain, the commissioner may allot the quarterly funds to the Department of Public Safety for MNLARS.

(c) If a quarterly allotment is not made pursuant to paragraph (a), the commissioner must allot to the Department of Public Safety an amount sufficient to fund an additional 30 days for contracted technical staff working on MNLARS. If negative recommendations or recommendations for further review are withdrawn pursuant to paragraph (b) after the partial allotment is made under this paragraph, the commissioner must allot the remainder of the quarterly allotment.

Subd. 6. **Resubmission of proposal.** If a proposed allotment receives a negative recommendation or a recommendation for further review under subdivision 3, and all of the negative recommendations and recommendations for further review are not withdrawn, the commissioner may submit proposed legislation to the chairs of the house of representatives Ways and Means Committee and the senate Finance Committee for consideration during the 2019 legislative session.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to any fiscal year 2019 appropriation for MNLARS in this act or any subsequent act.

### Sec. 3. **APPROPRIATIONS.**

(a) \$9,650,000 in fiscal year 2018 is appropriated from the special revenue fund to the commissioner of public safety for contracted technical staff and technical costs related to the continued

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development and improvement of the Minnesota Licensing and Registration System (MNLARS). Of this amount, \$2,150,000 is from the vehicle services operating account and \$7,500,000 is from the driver services operating account. These are onetime appropriations.

The appropriation in this paragraph may be expended only for:

(1) contracts for the performance of software development on the vehicle services component of MNLARS; and

(2) technology costs.

The appropriation in this paragraph must not be spent on:

(1) additional full or part-time employees employed by the Department of Public Safety; or

(2) an audit, evaluation, or assessment of the feasibility of a proposed plan to resolve defects and implement all functionality conducted by the Department of Public Safety or the Office of MN.IT Services or an entity hired by the Department of Public Safety or the Office of MN.IT Services.

(b) \$100,000 in fiscal year 2018 and \$250,000 in fiscal year 2019 are appropriated to the Office of the Legislative Auditor from the vehicle services operating account in the special revenue fund for the information technology auditor position established in section 1. This is a onetime appropriation.

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

Amend the title accordingly

### CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on S.F. No. 3133. The Sergeant at Arms was instructed to bring in the absent members.

Senator Dibble moved to amend the Newman amendment to S.F. No. 3133 as follows:

Page 4, line 34, delete "two" and insert "three"

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

Senator Kent moved to amend the Newman amendment to S.F. No. 3133 as follows:

Page 5, line 18, delete "contracted technical staff and technical costs related to"

Page 5, delete lines 23 to 31

Page 6, delete lines 1 and 2

The question was taken on the adoption of the Kent amendment to the Newman amendment.

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



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Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Dibble moved to amend the Newman amendment to S.F. No. 3133 as follows:

Page 3, line 25, after the semicolon, insert "and"

Page 3, line 27, delete "; and" and insert a period

Page 3, delete lines 28 and 29

The question was taken on the adoption of the Dibble amendment to the Newman amendment.

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

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

Senator Bakk moved to amend the Newman amendment to S.F. No. 3133 as follows:

Page 6, after line 6, insert:

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"(c) \$33,000,000 in fiscal year 2019 is appropriated from the general fund to the commissioner of public safety for continued development and improvement of the Minnesota Licensing and Registration System."

The question was taken on the adoption of the Bakk amendment to the Newman amendment.

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

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Little	Sparks
Bigham	Dziedzic	Hoffman	Lourey	Tomassoni
Carlson	Eaton	Isaacson	Marty	Torres Ray
Champion	Eken	Kent	Newton	Wiger
Clausen	Franzen	Klein	Pappas	Wiklund
Cohen	Frentz	Laine	Rest	
Cwodzinski	Hawj	Latz	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

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

The question recurred on the adoption of the Newman amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 3133 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 20, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jasinski	Mathews	Senjem
Anderson, B.	Fischbach	Jensen	Miller	Simonson
Anderson, P.	Frentz	Johnson	Nelson	Sparks
Benson	Gazelka	Kiffmeyer	Newman	Tomassoni
Chamberlain	Goggin	Klein	Newton	Utke
Clausen	Hall	Koran	Osmek	Weber
Dahms	Hawj	Lang	Pratt	Wiger
Dibble	Hoffman	Limmer	Relph	
Draheim	Housley	Lourey	Rosen	
Eichorn	Ingebrigtsen	Marty	Ruud	

Those who voted in the negative were:

Bakk	Cohen	Franzen	Laine	Rest
Bigham	Cwodzinski	Hayden	Latz	Torres Ray
Carlson	Dziedzic	Isaacson	Little	Westrom
Champion	Eaton	Kent	Pappas	Wiklund

72ND DAY]

MONDAY, MARCH 19, 2018

6803

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

### RECESS

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

### REPORTS OF COMMITTEES

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

#### **Senator Limmer from the Committee on Judiciary and Public Safety Finance and Policy, to which was re-referred**

**S.F. No. 919:** A bill for an act relating to commerce; providing financial exploitation protections for older adults and vulnerable adults; proposing coding for new law as Minnesota Statutes, chapter 45A.

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

Page 1, delete subdivision 2

Page 2, delete subdivision 9

Renumber the subdivisions in sequence

Page 3, line 9, after "enforcement" insert "agency"

Page 3, after line 31, insert:

"(1) a determination by the broker-dealer or investment adviser that the disbursement or transaction will not result in financial exploitation of the eligible adult if the broker-dealer or investment adviser initiated the delay of disbursement or hold on the transaction;"

Page 4, line 1, delete "(1)" and insert "(2)" and delete "broker-dealer or investment adviser,"

Page 4, line 4, delete "(2)" and insert "(3)"

Page 4, lines 5, 9, and 22, delete "either of the agencies" and insert "the commissioner, law enforcement agency, lead investigative agency, or prosecuting attorney's office"

CHAPTER No. 100  
H.F. No. 399**AN ACT****Distributed By****Secretary of the Senate****St. Paul, 651-296-2344**

1.1

1.2 relating to state government; appropriating money to the senate and house of  
1.3 representatives; requiring transfers.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **SENATE; APPROPRIATION.**

1.6 \$32,299,000 in fiscal year 2018 and \$32,105,000 in fiscal year 2019 are appropriated  
1.7 from the general fund to the senate.

1.8 Sec. 2. **HOUSE OF REPRESENTATIVES; APPROPRIATION.**

1.9 \$32,383,000 in fiscal year 2018 and \$32,383,000 in fiscal year 2019 are appropriated  
1.10 from the general fund to the house of representatives.

1.11 Sec. 3. **TRANSFERS REQUIRED.**

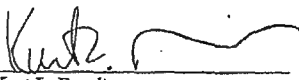
1.12 No later than June 30, 2018, the senate and house of representatives must transfer back  
1.13 to the Legislative Coordinating Commission all money transferred to the senate and house  
1.14 of representatives pursuant to resolution LCC-3, adopted by the Legislative Coordinating  
1.15 Commission on November 16, 2017.


1.16 Sec. 4. **EFFECTIVE DATE.**

1.17 This act is effective retroactively from July 1, 2017, and supersedes and replaces funding  
1.18 authorized by order of the Second Judicial District Court in Case No. 62-CV-17-3601.

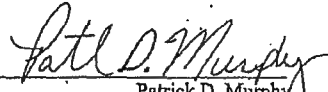
CHAPTER No. 100  
H.F. No. 399

This bill was passed in conformity to the rules of each house and the joint rules of the two houses  
as required by the Constitution of the State of Minnesota.

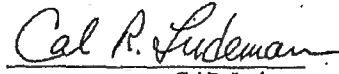
  
Kurt L. Daudt  
Speaker of the House of Representatives

  
Michelle L. Fischbach  
President of the Senate


Passed the House of Representatives on February 22, 2018.

  
Patrick D. Murphy  
Chief Clerk, House of Representatives

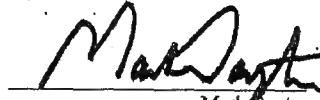
Passed the Senate on February 22, 2018.

  
Cal R. Ludeman  
Secretary of the Senate

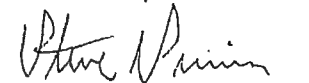
This bill is properly enrolled and was presented to  
Governor on February 22, 2018.

  
Paul M. Marinac  
Revisor of Statutes

Approved on February 26, 2018, at 6<sup>12</sup> P.M.

  
Mark Dayton  
Governor

Filed on Steve Simon, 2018.  
Feb. 27, 2018

  
Steve Simon  
Secretary of State

## STATE OF MINNESOTA

## SENATE COUNSEL

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24 STATE CAPITOL  
 ST. PAUL 55155  
 (612) 296-2511

November 9, 1976

TO: Senator Alec G. Olson, President of the Senate

FROM: Peter S. Wattson, Senate Counsel

SUBJ: President of the Senate's Succession  
to the Lieutenant Governorship

The Minnesota Constitution, Article V, Section 5, provides in part:

The last elected presiding officer of the senate shall become lieutenant governor in case a vacancy occurs in that office. . . .

Notice that the section refers to "the last elected presiding officer of the senate", rather than to the President of the Senate. This suggests that you could not take yourself out of the line of succession by resigning your position as President of the Senate, since you would still be the "last elected presiding officer" until the Senate convenes in January and elects a new President. The Senate could not act before then without being called by the Governor to a special session.

The section says the last elected presiding officer "shall" become lieutenant governor. "Shall" is mandatory. This suggests that you could not avoid becoming lieutenant governor by declining to accept the office or by refusing to take the oath of office. If you did not wish to serve as lieutenant governor, you would be compelled instead to resign from the office.

If a vacancy occurs in the lieutenant governorship before the Senate convenes, you will become lieutenant governor "for the remainder of the term" as provided in Minnesota Statutes, Section 4.06. This suggests that you will remain lieutenant governor even if the Senate elects a different presiding officer in January. You could resign your Senate seat at any time.

EXHIBIT D

Senator Alec G. Olson - Page 2

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The Constitution makes no further provision for filling a vacancy in the office of lieutenant governor when the last elected presiding officer is unavailable to serve, except to say that:

The legislature may provide by law for the removal, death, resignation, or inability both of the governor and lieutenant governor to discharge the duties of governor . . . . Article V, Section 5.

Notice that the section refers to "both" the governor and lieutenant governor being unable to serve, rather than to "either" of them. This suggests that the Legislature may provide by law only for a situation when there is a simultaneous vacancy in both offices and not for a single vacancy in the office of lieutenant governor. This conclusion is strengthened by the fact that the section refers to an inability "to discharge the duties of governor", and makes no mention of an inability to discharge the duties of lieutenant governor. This omission of any reference to the duties of the lieutenant governor is probably because the lieutenant governor has no constitutional duties, other than to be available to fill a vacancy in the office of governor. As long as there is someone else available to fill a vacancy in the governorship, there is no real need for a lieutenant governor.

Minnesota Statutes 1974, Section 4.06, provides a line of succession in case of a simultaneous vacancy in both the offices of governor and lieutenant governor, as authorized by Article V, Section 5, of the Constitution. It says, in part:

When a vacancy occurs, from any cause whatever, in the office of governor and in the office of lieutenant governor, the president of the senate shall become governor for the remainder of the term. If there be no president of the senate, then the speaker of the house of representatives shall become governor for the remainder of the term; or if there be none, then the secretary of state, or the auditor, or the treasurer, or the attorney general, in that order, shall upon his resignation from office, become governor for the remainder of the term.

Notice that the section refers to a vacancy in the office of governor "and" in the office of lieutenant governor, and that it names the order of succession to the office of governor, rather than to the office of lieutenant governor. There is no mention of the speaker of the house, the secretary of state, or the other constitutional officers ever succeeding to the office of lieutenant governor. I conclude that if you were to succeed to the office of lieutenant governor and then resign from that office, it would remain vacant until the Senate elected a new presiding officer, who would then become lieutenant governor.

Senator Alec G. Olson - Page 3

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But why would you want to resign? If it is to keep your seat in the Senate, that may be either unnecessary or impossible.

It has been settled law since the case of State ex rel. Marr v. Stearns, 72 Minn. 200 (1898), that the president pro tempore of the Senate does not cease to be senator upon the occurrence of a vacancy in the office of lieutenant governor and his assuming the duties of the lieutenant governor. This is true notwithstanding the provisions of the Minnesota Constitution, Article IV, Section 9:

No senator or representative shall hold any other office under the authority of the United States or the State of Minnesota, except that of postmaster or of notary public.

The case contains a very full discussion of the problem, and I commend it to you for reading. See also Miller v. Holm, 217 Minn. 166 (1944), where the president pro tempore did resign upon becoming lieutenant governor. These are old cases, but they are the law of the State until overruled by a new decision. Thus, under existing law, it would be unnecessary for you to resign from the lieutenant governorship in order to remain in the Senate, since you may hold both offices at once. If you did resign from the lieutenant governorship, you would still have your seat in the Senate.

On the other hand, if someone like your opponent in the last election brought a lawsuit to challenge your continued seating in the Senate, you might find it impossible to resign the lieutenant governorship and remain in the Senate. If the case were taken all the way to the Supreme Court, the Court might decide to overrule its decision in the Stearns case. The passage of time and a number of constitutional amendments, both to Article IV, Section 9, and to the duties of the lieutenant governor, may have lessened somewhat the force of the reasoning upon which the Court's decision was based. First, at the time of the decision, Section 9 prohibited a senator from holding any other office "during the time for which he is elected". The Court had previously held, in State ex rel. Childs v. Sutton, 63 Minn. 147 (1895), that this period of disability extended to the end of a senator's four-year term, even though he resigned his seat some time prior to that. Thus, the old language of Section 9 was directly in conflict with Article V, Section 6, which provided for the president pro tempore of the Senate to become lieutenant governor in case a vacancy should occur in that office, and the Court was forced to adopt a construction that reconciled the two and permitted the president pro tempore to assume the duties of the lieutenant governor before his term as senator had expired. The prohibition in Section 9 has since been amended so that it does not extend beyond the time when a senator resigns his seat, so it is no longer directly in conflict with Article V, Section 6.

Second, the decision noted that the lieutenant governor's duties were not properly executive in character, but rather were identical to those of the president



Senator Alec G. Olson - Page 4

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pro tempore, i.e., to preside over the deliberations of the Senate and to authenticate by his signature the bills passed by the Senate. Thus, there was nothing incompatible about a member of the Senate exercising the duties of the lieutenant governor. This has been changed somewhat by the 1972 constitutional amendment taking the lieutenant governor out of the Senate chamber. He has been given no more constitutional executive duties, but he has since been made a statutory member of the Executive Council and Capitol Area Architecture and Planning Board. The governor, pursuant to Minnesota Statutes, Section 4.04, and Executive Order No. 53, has also delegated to the lieutenant governor a number of the governor's executive duties relating to the LEAP program, Rural Development, Human Services Council, aesthetic environment programs, Indian Affairs Commission, State Employees Insurance Benefit Board, and other state agencies. In view of this change in the character of the lieutenant governor's duties, the Minnesota Supreme Court, if again faced with the question, would have some justification for ruling that the presiding officer of the Senate can no longer retain his Senate seat upon the occurrence of a vacancy in the office of lieutenant governor. (If you wanted to take that justification away, you might try to convince the Legislature to pass an act eliminating these executive duties of the lieutenant governor, and you might try to convince the governor to rescind Executive Order No. 53.)

If the Court did decide to overrule the Stearns case, it might find that your Senate seat became absolutely vacant upon your succession to the lieutenant governorship, making it impossible for you to retain your Senate seat. If you had already resigned the lieutenant governorship, you would be out of office entirely. This would not seem to be a very wise ruling, since it would require a special election to fill your Senate seat, and you would be one of the candidates. A special election is one of the things that the Court in the Stearns case wanted to avoid. See 72 Minn. 200, at 214. The Court would be wiser to say that, even if the offices were incompatible, your Senate seat did not become vacant automatically, but rather that you were allowed a reasonable amount of time to choose which one to resign. The Court could rely on some of its earlier reasoning. In the Stearns case the Court placed primary emphasis on the proposition that the Constitution must have contemplated both permanent and temporary vacancies; that in the case of a temporary vacancy in the office of governor, such as when the governor has been impeached and before his trial is over, the lieutenant governor temporarily assumes the office of governor and the president pro tempore of the Senate assumes the office of lieutenant governor; that to say that the Constitution then required the president pro tempore to give up his seat in the Senate would be to prevent him from assuming the seat again if the governor were acquitted at trial, a result which would not be reasonable. The Court seemed to reason that if Section 9 did not operate to prohibit a temporary holding of the office of lieutenant governor by the president pro tempore, it did not apply to him at all. It would be possible for the present Court to modify its former ruling, adopt the distinction between temporary and permanent vacancies, and hold that in the case of a temporary vacancy in the office of lieutenant governor, such as one caused by an impeachment of the governor, the President of the Senate

Senator Alec G. Olson - Page 5

November 9, 1976

need not resign his seat in the Senate upon assumption of the office of lieutenant governor, but that in the case of a permanent vacancy, as when the governor resigns, the President of the Senate must resign either his seat in the Senate or his position as lieutenant governor. There is no way to be sure that the Court would be so kind as to allow you this choice. In order to avoid finding yourself out on the street, it might be better to retain both offices until after a court challenge had determined your rights to each.

If you are sure you would rather be a state senator than lieutenant governor, there may be a way to resign the lieutenant governorship without losing your Senate seat. Since your present term is about to expire, and your succession to the lieutenant governorship is likely to occur before your new term as Senator begins, you might resign from the lieutenant governorship before the start of your new term, January 4. You might lose your seat for the current term, but that should not prevent you from taking the oath to start your new term on January 4. The Senate could elect another person as presiding officer, who would then become lieutenant governor. He could resign his seat in the Senate (assuming he did not want to try to keep both offices), and you could be elected presiding officer.

Another possibility, suggested by John Ellefson of this office, in order to avoid leaving a vacancy in both the lieutenant governorship and the presidency of the Senate and allowing someone to argue that the Speaker of the House should move up to fill the vacancy in the lieutenant governorship, would be to stand aside on January 4 while the other senators were being sworn in and a new President of the Senate was being elected, then resign from the lieutenant governorship, and then take the oath to start your new term as senator. You could then be elected President. One problem with this procedure is that Minnesota Statutes, Section 3.05, provides a very specific timetable and sequence of events for the swearing in ceremony, and someone might object to your failure to join the others as "All whose certificates are so presented shall then stand and be sworn." It brings back memories of the challenge to seating Senator Palmer in 1971.

To sum up, if a vacancy occurs in the lieutenant governorship before a new President of the Senate is elected in January, you will become lieutenant governor by operation of law, without the need for any positive action on your part. That office will be yours until the expiration of the term in January 1979, unless you choose to resign before then. If you do resign, and there is no President of the Senate, the lieutenant governorship will remain vacant until a new President of the Senate is elected. You may be able to retain both the lieutenant governorship and your seat in the Senate, but your attempt to do so might result in a legal challenge in which you were either declared to be no longer a senator or directed to choose which office to resign. If you are sure you want to remain a senator, and don't mind giving up the lieutenant governorship, you may wish to resign from the lieutenant governorship before taking your new oath of office as a senator on January 4.

Senator Alec G. Olson - Page 6

November 9, 1976

If I can be of further assistance, please contact me.



PSW:jb

DEPARTMENT ATTORNEY GENERAL

## Office Memorandum

TO : THE HONORABLE ALEC G. OLSON  
President of the Minnesota Senate

DATE: Dec. 17, 1976

FROM : ROBERT C. HENTGES **RCH**  
Special Assistant  
Attorney General

PHONE: 296-2652

SUBJECT: SUCCESSION OF THE HONORABLE ALEC G. OLSON TO THE OFFICE OF  
LIEUTENANT GOVERNOR

As you are aware, when a vacancy occurs in the office of governor, the lieutenant governor becomes governor for the duration of the vacancy. Minn. Const. art. V § 5; Minn. Stat. § 4.06 (1974). In turn, when a vacancy occurs in the office of lieutenant governor, the last duly elected presiding officer of the senate becomes lieutenant governor. Id. In each case, the succeeding officer must take an oath or affirmation before entering upon the duties of the assumed office. Minn. Const. art. V § 6.

As the last duly elected presiding officer of the senate and upon taking an oath or affirmation, you will succeed to the office of lieutenant governor in the event Lt. Gov. Rudy Perpich becomes governor pursuant to the constitutional scheme of succession. Because you currently hold the office of senator in the sixty-ninth session of the legislature and are a senator-elect for the seventieth session of the legislature, it appears that you are subject to the provisions of Minn. Const. art. IV § 5.<sup>1</sup> That section provides:

1/

In the case of State ex rel. Marr v. Stearns, 72 Minn. 200, 75 N.W. 210 (1898), reviewed on other grounds 179 U.S. 223 (1900) the Minnesota Supreme Court held that the presiding officer of the senate may remain a senator when he becomes lieutenant governor by reason of a vacancy in that office. Consequently, there would appear to be authority for you to remain a senator after your succession to lieutenant governor and during your term in that office. However, the rationale of State ex rel. Marr v. Stearns, supra, is sufficiently weak to raise serious doubts as to whether it would be adopted by the Court if the issue were presented to it again.

The Honorable Alec G. Olson - Page 2

Dec. 17, 1976

No senator or representative shall hold any other office under the authority of the United States or the state of Minnesota, except that of postmaster or of notary public. If elected or appointed to another office, a legislator may resign from the legislature by tendering his resignation to the governor.

In order to avoid the prohibition of Minn. Const. art. IV § 5 and assuming succession becomes necessary prior to the administration of oaths for the seventieth session of the legislature, it appears that you should take the following actions upon taking an oath or affirmation and entering upon the duties of lieutenant governor.

First, you should resign from the sixty-ninth session of the legislature by tendering your resignation to the governor. Minn. Const. art. IV § 5. Second, and this may be done in conjunction with your resignation from the expiring session, you should inform the governor that, as senator-elect to the seventieth session, you do not intend to take the oath for that office. This would allow the governor to call for a special election pursuant to Minn. Stat. § 202A.62 subd. 2 (Supp. 1975) and Minn. Stat. § 351.02(6) (1974).<sup>2</sup>

You may also wish to send a copy of your resignation to the secretary of the senate so that he or the temporary secretary may note your resignation in order to fill the silence that will otherwise follow announcement of District 21 during the call of the roll on January 4, 1977.

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2/

It appears that if you indicate your intention to refuse to take the oath of office as senator in the seventieth session, your seat will be vacant as of the time the oath would have been administered. See, Minn. Stat. § 351.02(6) and (8) (1974).