

FIFTH DAY

St. Paul, Minnesota, Thursday, January 20, 2011

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Dennis Schultz.

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

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

Anderson	Fischbach	Kelash	Newman	Senjem
Bakk	Gazelka	Koch	Nienow	Sheran
Benson	Gerlach	Kruse	Olson	Sieben
Berglin	Gimse	Kubly	Ortman	Skoe
Bonoff	Goodwin	Langseth	Pappas	Sparks
Brown	Hall	Lillie	Parry	Stumpf
Carlson	Hann	Limmer	Pederson	Thompson
Chamberlain	Harrington	Lourey	Pogemiller	Torres Ray
Cohen	Higgins	Marty	Reinert	Vandever
Dahms	Hoffman	Metzen	Rest	Wiger
Daley	Howe	Michel	Robling	Wolf
DeKruif	Ingebrigtsen	Miller	Rosen	
Dibble	Jungbauer	Nelson	Saxhaug	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

January 3, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER OF THE POLLUTION CONTROL AGENCY

Paul W. Aasen, 1570 – 6th Ave. N., Orono, in the county of Hennepin, effective January 18, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Environment and Natural Resources.)

January 3, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER OF EDUCATION

Dr. Brenda L. Cassellius, 5900 Colfax Ave. S., Minneapolis, in the county of Hennepin, effective January 3, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Education.)

January 3, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER OF AGRICULTURE

David J. Frederickson, 2952 Fairview Ave., Roseville, in the county of Ramsey, effective January 3, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Agriculture and Rural Economies.)

January 3, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

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

required by law:

COMMISSIONER OF MANAGEMENT AND BUDGET

James D. Schowalter, 1875 Carroll Ave., Saint Paul, in the county of Ramsey, effective January 3, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Finance.)

January 3, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER OF TRANSPORTATION

Thomas K. Sorel, 11397 Halstead Trl., Woodbury, in the county of Washington, effective January 3, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Transportation.)

January 3, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

CHAIR OF THE METROPOLITAN COUNCIL

Susan M. Haigh, 910 Fairmount Ave., Saint Paul, in the county of Ramsey, effective January 3, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Local Government and Elections.)

January 6, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER OF NATURAL RESOURCES

Thomas J. Landwehr, 5824 Churchill St., Shoreview, in the county of Hennepin, effective January 6, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Environment and Natural Resources.)

January 13, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER OF IRON RANGE RESOURCES AND REHABILITATION

Anthony Sertich, 702 N.W. 2nd St., Chisholm, in the county of Saint Louis, effective January 14, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Jobs and Economic Growth.)

Sincerely,
Mark Dayton, Governor

January 19, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear President Fischbach:

As Senate Minority leader and pursuant to Minnesota Statutes 3.97, Subd. 2, I have appointed Senator Metzen, Senator Rest and Senator Reinert to the Legislative Audit Commission for the 87th Legislative Session.

Sincerely,
Thomas M. Bakk
DFL Caucus Leader
Senate District 6

January 20, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The Subcommittee on Committees of the Committee on Rules and Administration met on January 20, 2011, and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 2010

3.97, Subdivision 2: Legislative Audit Commission - Senators Hann, Parry and Robling to serve for an indefinite term, serving until replaced or until they are no longer members of the Senate.

Pursuant to Senate Rules

Senate Rule 55: Subcommittee on Ethical Conduct - Senators Fischbach, Ingebrigtsen, Scheid and Sheran to serve at the pleasure of the appointing authority.

Sincerely,
Amy Koch, Chair
Subcommittee on Committees

REPORTS OF COMMITTEES

Senator Koch moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senator Ortman from the Committee on Taxes, to which was referred

S.F. No. 47: A bill for an act relating to taxes; individual income; conforming to the federal extension of the exclusion of dependent health care coverage to adult children through age 26 for tax year 2010; amending Minnesota Statutes 2010, section 290.01, subdivision 19.

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

Page 2, line 16, delete everything after the first "of"

Page 2, delete lines 17 to 19

Page 2, line 20, delete "and of (ii)"

Page 2, after line 26, insert:

"Sec. 2. **CORRECTED FORM W-2 NOT REQUIRED.**

Employers who have prepared and distributed form W-2, wage and tax statement for tax year 2010, that reported to employees the amount of health coverage provided to adult children under age 27 includible in net income under prior law, are not required to prepare and distribute a corrected tax year 2010 form W-2.

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

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

SECOND READING OF SENATE BILLS

S.F. No. 47 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Kubly, Skoe, Dahms, Rosen and Tomassoni introduced—

S.F. No. 61: A bill for an act relating to human services; clarifying the additional local share of certain publicly owned nursing facility costs; clarifying a publicly owned nursing facility payment rate; amending Minnesota Statutes 2010, sections 256B.19, subdivision 1e; 256B.441, subdivision 55a.

Referred to the Committee on Health and Human Services.

Senator Jungbauer introduced—

S.F. No. 62: A bill for an act relating to traffic regulations; prohibiting saturation patrols and sting operations to apprehend seat belt violators; requiring POST Board review of agency compliance; amending Minnesota Statutes 2010, section 169.985.

Referred to the Committee on Transportation.

Senator Jungbauer introduced—

S.F. No. 63: A resolution urging the members of the United States Senate to oppose ratification of the United Nations Convention on the Rights of the Child.

Referred to the Committee on Judiciary and Public Safety.

Senator Jungbauer introduced—

S.F. No. 64: A bill for an act relating to natural resources; modifying authority to regulate wells; amending Minnesota Statutes 2010, sections 110A.02, subdivision 4; 412.221, subdivision 11.

Referred to the Committee on Environment and Natural Resources.

Senator Jungbauer introduced—

S.F. No. 65: A bill for an act relating to transportation; providing for funding of transportation through new regulations governing checkbook money created by state-chartered banks; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 161.

Referred to the Committee on Transportation.

Senator Jungbauer introduced—

S.F. No. 66: A bill for an act relating to waters; providing standards for use of recycled water; proposing coding for new law in Minnesota Statutes, chapter 103G.

Referred to the Committee on Environment and Natural Resources.

Senators Hoffman, Gazelka, Carlson and Saxhaug introduced–

S.F. No. 67: A bill for an act relating to transportation; authorizing annual special permits for transporting waterfront structures on trunk highways; amending Minnesota Statutes 2010, section 169.86, subdivision 5.

Referred to the Committee on Transportation.

Senators Kruse, Robling, Benson, Wolf and Ortman introduced–

S.F. No. 68: A bill for an act relating to education; repealing the January 15 deadline by which school districts must reach a collective bargaining agreement or face a state aid penalty; repealing Minnesota Statutes 2010, section 123B.05.

Referred to the Committee on Education.

Senators Olson, Stumpf, Nienow, Wolf and Chamberlain introduced–

S.F. No. 69: A bill for an act relating to education; reducing mandates for home schools; relieving superintendents of certain reporting requirements; amending Minnesota Statutes 2010, sections 120A.22, subdivision 11; 120A.24; 121A.15, subdivision 8; 123B.42, subdivision 1; 123B.44, subdivision 1; 171.05, subdivision 2; 171.17, subdivision 1; 171.22, subdivision 1; 181A.05, subdivision 1; repealing Minnesota Statutes 2010, section 120A.26, subdivisions 1, 2.

Referred to the Committee on Education.

Senators Goodwin and Lourey introduced–

S.F. No. 70: A bill for an act relating to human services; appropriating money to food shelves and for food stamp outreach.

Referred to the Committee on Health and Human Services.

Senator Rest introduced–

S.F. No. 71: A bill for an act relating to pupil transportation; amending seat belt equipment requirements for procurement of school buses; amending Minnesota Statutes 2010, sections 169.447, subdivision 2a; 169.685, subdivision 1.

Referred to the Committee on Transportation.

Senator Reinert introduced–

S.F. No. 72: A bill for an act relating to higher education; abolishing the Lake Superior Center Authority and transferring all assets related to the facilities and operations of the Lake Superior Center to the Board of Regents of the University of Minnesota; repealing Minnesota Statutes 2010, sections 85B.01; 85B.02; 85B.03; 85B.04; 85B.05; 85B.06; 85B.07; 85B.08; Laws 1990, chapter 535, sections 1; 2; 3, as amended; 4; 5, as amended; 6; 7; 8.

Referred to the Committee on Higher Education.

Senator Reinert introduced—

S.F. No. 73: A bill for an act relating to economic development; appropriating money for a grant to the city of Duluth to pay debt on the Great Lakes Aquarium.

Referred to the Committee on Finance.

Senators Kubly, Cohen and Goodwin introduced—

S.F. No. 74: A bill for an act relating to taxation; individual income; veterans; creating a subtraction for military pensions; amending Minnesota Statutes 2010, sections 290.01, subdivision 19b; 290.091, subdivision 2.

Referred to the Committee on Taxes.

Senators Magnus, Hoffman, Hann, Brown and Newman introduced—

S.F. No. 75: A bill for an act relating to human services; modifying MFIP electronic benefit transfers; requiring photo identification; amending Minnesota Statutes 2010, section 256J.39, by adding subdivisions.

Referred to the Committee on Health and Human Services.

Senator Michel introduced—

S.F. No. 76: A bill for an act relating to public safety; authorizing judges to prohibit certain juvenile sex offenders from residing near their victims; amending Minnesota Statutes 2010, section 260B.198, subdivision 1, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety.

Senator Gimse introduced—

S.F. No. 77: A bill for an act relating to taxation; minerals; Glenwood Township; amending Minnesota Statutes 2010, section 298.75, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Wiger introduced—

S.F. No. 78: A bill for an act relating to employment; regulating employee invention agreements; amending Minnesota Statutes 2010, section 181.78, by adding a subdivision.

Referred to the Committee on Jobs and Economic Growth.

Senators Ingebrigtsen, Carlson, Pederson, Hoffman and Gazelka introduced—

S.F. No. 79: A resolution memorializing Congress to delist the gray wolf from the Endangered Species Act.

Referred to the Committee on Environment and Natural Resources.

Senators Bakk, Senjem, Langseth, Olson and Saxhaug introduced—

S.F. No. 80: A bill for an act relating to capital investment; appropriating money for the development of Lake Vermillion State Park; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Daley, Parry, Thompson and Lillie introduced—

S.F. No. 81: A bill for an act relating to state government; requiring a reduction in the state workforce; creating an early retirement program; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on State Government Innovation and Veterans.

Senators Robling and Ortman introduced—

S.F. No. 82: A bill for an act relating to state government finance; making changes to tax aids and credits and reducing payments; amending Minnesota Statutes 2010, sections 270A.03, subdivision 7; 273.1384, subdivision 6; 289A.50, subdivision 1; 290.01, subdivision 6; 290A.03, subdivisions 11, 13; 290C.07; 477A.013, subdivision 9; 477A.03; proposing coding for new law in Minnesota Statutes, chapter 477A; repealing Minnesota Statutes 2010, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 290.06, subdivision 23.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Langseth moved that the name of Senator Rest be added as a co-author to S.F. No. 11. The motion prevailed.

Senator Wiger moved that the name of Senator Parry be added as a co-author to S.F. No. 16. The motion prevailed.

Senator Carlson moved that the name of Senator Gazelka be added as a co-author to S.F. No. 48. The motion prevailed.

Senator Koch moved that the names of Senators Gazelka and Senjem be added as co-authors to S.F. No. 51. The motion prevailed.

Senator Wiger moved that the name of Senator Reinert be added as a co-author to S.F. No. 59. The motion prevailed.

Senator Robling moved that the name of Senator Pederson be added as a co-author to S.F. No. 60. The motion prevailed.

Senator Latz introduced –

Senate Resolution No. 27: A Senate resolution honoring Hopkins Fire Chief Dale Specken on being named the 2010 Minnesota Fire Chief of the Year.

Referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Senators Latz, Magnus, Scheid and Tomassoni were excused from the Session of today.

ADJOURNMENT

Senator Koch moved that the Senate do now adjourn until 11:00 a.m., Monday, January 24, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate