

NINTH DAY

St. Paul, Minnesota, Monday, January 31, 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. Dr. David Van Dyke.

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

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

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

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 HEALTH

Dr. Edward P. Ehlinger, 4815 Dupont Ave. S., Minneapolis, in the county of Hennepin, effective January 14, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Health and Human Services.)

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 REVENUE

Myron L. Frans, 1704 Humboldt Ave. S., Minneapolis, in the county of Hennepin, effective April 21, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Taxes.)

Sincerely,
Mark Dayton, Governor

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 130.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted January 27, 2011

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 130: A bill for an act relating to state government finance; making appropriation reductions for fiscal year 2011, policy changes, and appropriation reductions for fiscal years 2012 and 2013; making changes to tax aids and credits and reducing payments; amending Minnesota Statutes 2010, sections 256B.766; 270A.03, subdivision 7; 273.1384, subdivision 6, by adding

a subdivision; 289A.02, subdivision 7; 289A.50, subdivision 1; 290.01, subdivisions 6, 19, 19a, 19c, 31; 290A.03, subdivisions 11, 13, 15; 290C.07; 477A.0124, by adding a subdivision; 477A.013, subdivision 9, by adding a subdivision; 477A.03; Laws 2010, First Special Session chapter 1, article 5, sections 4; 5; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 2010, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 290.06, subdivision 23.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 60, now on General Orders.

REPORTS OF COMMITTEES

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

Senator Rosen from the Committee on Energy, Utilities and Telecommunications, to which was referred

S.F. No. 4: A bill for an act relating to energy; abolishing prohibition on issuing certificate of need for new nuclear power plant; amending Minnesota Statutes 2010, section 216B.243, subdivision 3b.

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

Page 1, after line 5, insert:

"Section 1. [216B.1614] NUCLEAR POWER PLANT DECOMMISSIONING AND STORAGE OF USED NUCLEAR FUEL.

Subdivision 1. **Decommissioning costs.** (a) The Public Utilities Commission shall, when considering approval of a plan for the accrual of funds for the decommissioning of nuclear facilities filed in accordance with a commission order, include an evaluation of the costs, if any, arising from storage of used nuclear fuel that may be incurred by the state of Minnesota, and any tribal community, county, city, or township where used nuclear fuel is located following the cessation of operations at a nuclear plant.

(b) To assist the commission in making the determination required in paragraph (a), the filing shall provide cost estimates, including ratepayer impacts, assuming used nuclear fuel will be stored in the state for 60 years, 100 years, and 200 years following the cessation of operation of the nuclear plant.

Subd. 2. **Rate.** A public utility filing a decommissioning plan in accordance with a commission order and this section may include, as part of a general rate case petition, the costs of decommissioning accrual incurred in complying with a commission order implementing this section.

Subd. 3. **Commission report.** The commission shall prepare a nuclear decommissioning report after each of the commission's periodic review of nuclear decommissioning costs. The report shall be submitted within 180 days of the date of the final order related to that review to the chairs and ranking

minority members of the legislative committees with primary jurisdiction over energy policy and public safety. That report shall, without limitation, include the following:

- (1) an explanation of the commission's funding decisions regarding nuclear decommissioning;
- (2) the progress of the United States Department of Energy to remove from Minnesota spent fuel produced by nuclear generating plants in Minnesota;
- (3) an analysis of the financial and other obligations related to decommissioning and storage of used fuel of the utility holding title to spent nuclear fuel to the state and to host communities, including affected tribal communities; and
- (4) any recommendations to the legislature on legislation or other actions that may be necessary for addressing long-term or indefinite storage costs."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "regulating and monitoring decommissioning of nuclear power plants and disposal of used fuel;"

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. No. 4 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Ortman, Newman, Thompson, Michel and Benson introduced—

S.F. No. 149: A bill for an act relating to civil actions; modifying remedies related to certain unlawful or deceptive trade practice actions; permitting appeals of certain court orders related to class actions; amending Minnesota Statutes 2010, section 8.31, subdivision 3a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 540.

Referred to the Committee on Judiciary and Public Safety.

Senators Gazelka, Brown, Hoffman, Lillie and Hann introduced—

S.F. No. 150: A bill for an act relating to human services; modifying residency requirements for MFIP and general assistance; amending Minnesota Statutes 2010, sections 256D.02, subdivision 12a, by adding a subdivision; 256J.12, subdivisions 1a, 2.

Referred to the Committee on Health and Human Services.

Senators Kubly, Langseth, Sheran and Magnus introduced–

S.F. No. 151: A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for a veterans home in Montevideo.

Referred to the Committee on Capital Investment.

Senators Kruse, Jungbauer, Scheid, Wolf and Goodwin introduced–

S.F. No. 152: A bill for an act relating to capital investment; appropriating money for improvements to the Coon Rapids Dam; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Pogemiller and Berglin introduced–

S.F. No. 153: A bill for an act relating to capital improvements; appropriating money for renovation and expansion of the Brian Coyle Center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Vandever, Newman, Nienow, Sieben and Koch introduced–

S.F. No. 154: A bill for an act relating to taxation; providing for appeals of denial of green acres treatment; amending Minnesota Statutes 2010, section 273.111, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Gazelka introduced–

S.F. No. 155: A bill for an act relating to natural resources; authorizing registration and operation of mini trucks as all-terrain vehicles; amending Minnesota Statutes 2010, sections 84.92, subdivisions 8, 10; 84.922, subdivision 1a; 169.011, subdivision 40a; 169.045, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senator Rest introduced–

S.F. No. 156: A bill for an act relating to elections; increasing the time provided for canvassing state primary election returns; amending Minnesota Statutes 2010, section 204C.32.

Referred to the Committee on Local Government and Elections.

Senators Bakk, Saxhaug and Tomassoni introduced–

S.F. No. 157: A bill for an act relating to state government; requiring state funds used for state-funded projects to use state or American-made goods; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on State Government Innovation and Veterans.

Senators Ingebrigtsen, Pederson, Miller, Saxhaug and DeKruif introduced—

S.F. No. 158: A bill for an act relating to natural resources; appropriating money from the outdoor heritage fund; modifying certain outdoor heritage provisions; amending Minnesota Statutes 2010, section 97A.056, subdivision 2, by adding a subdivision; Laws 2009, chapter 172, article 1, section 2, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Senators Carlson, Parry, DeKruif, Hoffman and Gazelka introduced—

S.F. No. 159: A bill for an act relating to local government; abolishing certain local government mandates; repealing Minnesota Statutes 2010, sections 122A.61; 123B.05; 126C.12; 134.34, subdivisions 1, 3, 4, 7; 326B.145; 340A.403, subdivision 4; 382.265; 388.24, subdivision 4; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; 395.24; 471.6161, subdivision 5; 471.661; 471.991; 471.992, subdivisions 1, 2, 4; 471.993; 471.994; 471.995; 471.9966; 471.997; 471.9981, subdivisions 5a, 5b, 6, 7; 471.999; 626.8458, subdivision 5; 626.8468, subdivision 1; 626A.17.

Referred to the Committee on Local Government and Elections.

Senators Hann, Scheid, Magnus, Limmer and Gimse introduced—

S.F. No. 160: A bill for an act relating to civil actions; prohibiting actions against certain persons for weight gain as a result of consuming certain foods; proposing coding for new law in Minnesota Statutes, chapter 604.

Referred to the Committee on Judiciary and Public Safety.

Senators Pederson, Howe, Brown, Hoffman and Vandever introduced—

S.F. No. 161: A bill for an act relating to environment; requiring coordination with Wisconsin in establishing a phosphorus standard for Lake Pepin.

Referred to the Committee on Environment and Natural Resources.

Senators Pederson, Hoffman, Vandever, Dahms and Carlson introduced—

S.F. No. 162: A bill for an act relating to health; exempting municipal laboratories from certification; amending Minnesota Statutes 2010, section 144.98, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Senators Pappas and Rosen introduced—

S.F. No. 163: A bill for an act relating to state government; increasing the membership of the Legislative Commission on Pensions and Retirement; amending Minnesota Statutes 2010, section

3.85, subdivision 3.

Referred to the Committee on State Government Innovation and Veterans.

Senators Olson, Bakk, Hann, Gazelka and Reinert introduced–

S.F. No. 164: A bill for an act relating to human services; modifying the general assistance program; amending Minnesota Statutes 2010, section 256D.06, subdivision 1b.

Referred to the Committee on Health and Human Services.

Senators Olson and Ingebrigtsen introduced–

S.F. No. 165: A bill for an act relating to natural resources; requiring rulemaking to allow mechanical control of narrow-leaved cattail without an aquatic plant management permit.

Referred to the Committee on Environment and Natural Resources.

Senators Latz and Olson introduced–

S.F. No. 166: A bill for an act relating to education finance; authorizing a school district to use its operating capital for certain costs associated with closing a school; amending Minnesota Statutes 2010, section 126C.10, subdivision 14.

Referred to the Committee on Education.

Senators Gerlach, Scheid, Kruse and Sparks introduced–

S.F. No. 167: A bill for an act relating to real estate professionals; regulating the provision of broker price opinions on residential real estate; amending Minnesota Statutes 2010, sections 82.55, by adding subdivisions; 82.81, subdivision 9; 82B.021, subdivision 19; 82B.035, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 82.

Referred to the Committee on Commerce and Consumer Protection.

Senators Jungbauer, Nienow, Gerlach, Scheid and Vandeverer introduced–

S.F. No. 168: A bill for an act relating to health; providing an exemption from smoking prohibition in public places; amending Minnesota Statutes 2010, section 144.414, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Senators Limmer, Vandeverer, Gazelka and Newman introduced–

S.F. No. 169: A bill for an act relating to elections; requiring voters to provide picture identification before receiving a ballot; providing for the issuance of identification cards at no charge; establishing a procedure for provisional balloting; specifying other election administration procedures; requiring use of electronic polling place rosters; enacting procedures related to recounts; appropriating money; amending Minnesota Statutes 2010, sections 135A.17, subdivision

2; 200.02, by adding a subdivision; 201.021; 201.022, subdivision 1; 201.061, subdivisions 3, 7; 201.071, subdivision 3; 201.081; 201.091, subdivision 4; 201.121, subdivisions 1, 3; 201.171; 201.221, subdivision 3; 203B.06, subdivision 5; 203B.121, subdivision 1; 204B.14, subdivision 2; 204B.40; 204C.10; 204C.12, subdivisions 3, 4; 204C.14; 204C.15, subdivision 1; 204C.20, subdivisions 1, 2, 4, by adding a subdivision; 204C.23; 204C.24, subdivision 1; 204C.38; 204D.24, subdivision 2; 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; proposing coding for new law as Minnesota Statutes, chapters 204E; 206A; repealing Minnesota Statutes 2010, sections 204B.36, subdivision 5; 204C.34; 204C.35; 204C.36; 204C.361; Minnesota Rules, parts 8235.0200; 8235.0300; 8235.0400; 8235.0600; 8235.0700; 8235.0800; 8235.1100; 8235.1200.

Referred to the Committee on Local Government and Elections.

Senators Daley, Nienow, DeKruif and Nelson introduced—

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

Referred to the Committee on Education.

Senator Stumpf introduced—

S.F. No. 171: A bill for an act relating to education finance; expanding the uses of operating capital revenue to include leasing vehicles, including school buses; amending Minnesota Statutes 2010, section 126C.10, subdivision 14.

Referred to the Committee on Education.

Senators Scheid and Ingebrigtsen introduced—

S.F. No. 172: A bill for an act relating to natural resources; modifying certain requirements for titling watercraft; amending Minnesota Statutes 2010, sections 86B.825, subdivision 3; 86B.830, subdivision 2; 86B.850, subdivision 1; 86B.885.

Referred to the Committee on Environment and Natural Resources.

Senator Rest introduced—

S.F. No. 173: A bill for an act relating to taxation; appealing official orders of commissioner of revenue; notice; amending Minnesota Statutes 2010, section 271.06, subdivision 2.

Referred to the Committee on Taxes.

Senators Fischbach, Ingebrigtsen, Scheid, Parry and Miller introduced—

S.F. No. 174: A bill for an act relating to gambling; providing for electronic linked bingo; establishing electronic pull-tabs and video lottery terminals; amending Minnesota Statutes 2010, sections 297A.94; 299L.02, subdivision 1; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5;

349.12, subdivisions 5, 12a, 25b, 25c, 25d, by adding subdivisions; 349.15, subdivision 1; 349.151, subdivision 4c, by adding a subdivision; 349.16, subdivision 7; 349.1635, subdivision 1; 349.17, subdivisions 6, 8; 349.18, subdivision 1; 349.211, subdivision 1a; 349A.01, subdivisions 10, 11, 12, by adding subdivisions; 349A.04; 349A.06, subdivisions 1, 5, 8, 10, by adding subdivisions; 349A.08, subdivisions 1, 5, 8; 349A.09, subdivision 1; 349A.10, subdivisions 2, 3, 4, 6; 349A.11, subdivision 1; 349A.12, subdivisions 1, 2; 349A.13; 541.20; 541.21; 609.651, subdivision 1; 609.75, subdivisions 3, 4; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349; 349A; repealing Minnesota Statutes 2010, sections 297E.01, subdivision 7; 297E.02, subdivisions 4, 6, 7.

Referred to the Committee on State Government Innovation and Veterans.

Senators Ingebrigtsen, Hoffman, Dahms, Pederson and Gazelka introduced–

S.F. No. 175: A bill for an act relating to state government; designating English as the official language; amending Minnesota Statutes 2010, sections 171.04, subdivision 1; 171.13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 2010, section 15.441.

Referred to the Committee on State Government Innovation and Veterans.

MOTIONS AND RESOLUTIONS

Senator Michel moved that the names of Senators Gazelka and Lillie be added as co-authors to S.F. No. 1. The motion prevailed.

Senator Torres Ray moved that the name of Senator Rest be added as a co-author to S.F. No. 93. The motion prevailed.

Senator Jungbauer moved that the name of Senator Marty be added as a co-author to S.F. No. 110. The motion prevailed.

Senator Chamberlain moved that the name of Senator Rest be added as a co-author to S.F. No. 117. The motion prevailed.

Senator Lourey moved that the name of Senator Skoe be added as a co-author to S.F. No. 118. The motion prevailed.

Senator Scheid moved that the name of Senator Rest be added as a co-author to S.F. No. 137. The motion prevailed.

Senator Lillie moved that the names of Senators Daley, DeKruif, Kelash and Metzen be added as co-authors to S.F. No. 139. The motion prevailed.

Senator Nienow moved that the names of Senators Koch and Tomassoni be added as co-authors to S.F. No. 141. The motion prevailed.

Senator Chamberlain moved that the name of Senator Rest be added as a co-author to S.F. No. 146. The motion prevailed.

Senator Dahms moved that his name be stricken as a co-author to S.F. No. 147. The motion

prevailed.

Senator Carlson moved that S.F. No. 48, No. 2 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Senators Anderson, Cohen, Dibble and Tomassoni were excused from the Session of today.

ADJOURNMENT

Senator Koch moved that the Senate do now adjourn until 12:00 noon, Wednesday, February 2, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate