

EIGHTEENTH DAY

St. Paul, Minnesota, Thursday, February 24, 2011

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

CALL OF THE SENATE

Senator Limmer 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. Bob Hart.

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

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.

February 7, 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:

CHIEF INFORMATION OFFICER

Carolyn Parnell, 3319 - 34th Ave. S., Minneapolis, in the county of Hennepin, effective February 7, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on State Government Innovation and Veterans.)

February 9, 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 BUREAU OF MEDIATION SERVICES

Josh Tilsen, 1124 Fairmount Ave., Saint Paul, in the county of Ramsey, effective February 15, 2011, for a term expiring on January 5, 2015.

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

Sincerely,
Mark Dayton, Governor

February 16, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

Pursuant to Rule 10.6 of the Rules of the Senate, we hereby make the following change in committee structure:

Committee on Higher Education - delete Skoe and add Anderson.

Thank you for your attention to this matter.

Sincerely,
Amy T. Koch, Chair
Committee on Rules and Administration
Senate District 19

Thomas Bakk
DFL Caucus Leader
Senate District 6

CERTIFICATION

February 21, 2011

To the Governor
State of Minnesota

To the Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Monday, February 21, 2011, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold office for the term specified for each to begin upon election by the Joint Convention:

Steve Sviggum, Second Congressional District, Six Years

David Larson, Third Congressional District, Six Years

David McMillan, Eighth Congressional District, Six Years

Laura Brod, At-Large, Six Years

Michelle Fischbach
President of the Senate

Kurt Zellers
Speaker of the House of Representatives

REPORTS OF COMMITTEES

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

Senator Ingebrigtsen from the Committee on Environment and Natural Resources, to which was referred

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

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

Page 1, line 9, delete "the standard" and insert "a phosphorus standard that considers nutrient impacts on algal growth applicable" and delete "May" and insert "June"

And when so amended the bill do pass and be re-referred to the Committee on State Government Innovation and Veterans. Amendments adopted. Report adopted.

Senator Ingebrigtsen from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 196: A bill for an act relating to environment; requiring a study on state and local water management.

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

Page 1, line 8, before "No" insert "Unless required by federal law or rule,"

Page 1, delete lines 10 and 11

Page 2, line 11, delete "and"

Page 2, line 13, delete the period and insert "; and"

Page 2, after line 13, insert:

"(7) evaluate current responsibilities of the Pollution Control Agency, Department of Natural Resources, Board of Water and Soil Resources, Environmental Quality Board, Department of Agriculture, and Department of Health, for developing and implementing water-related programs, policies, and permits and make recommendations for reallocating responsibilities among the agencies."

And when so amended the bill do pass and be re-referred to the Committee on State Government Innovation and Veterans. Amendments adopted. Report adopted.

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

S.F. No. 32: A bill for an act relating to human services; establishing the healthy Minnesota contribution program; requiring plan to redesign service delivery for lower-income MinnesotaCare enrollees; amending Minnesota Statutes 2010, sections 62E.14, by adding a subdivision; 256B.04, subdivision 18; 256L.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256L.

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

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

S.F. No. 33: A bill for an act relating to health; providing a statement of public policy declaring that every resident of Minnesota has the freedom of choice in health care; making appropriation adjustments in fiscal years 2010 and 2011; amending Minnesota Statutes 2010, section 8.31, subdivisions 1, 3a; Laws 2010, First Special Session chapter 1, article 25, section 3, subdivisions 2, 5, 6, 7; proposing coding for new law in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 2010, sections 256B.055, subdivision 15; 256B.0756; Laws 2010, First Special Session

chapter 1, article 16, sections 6; 7; 18; 46; 47.

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

Pages 3 to 10, delete sections 4 to 8

Amend the title as follows:

Page 1, line 3, delete "; making"

Page 1, line 4, delete everything before the semicolon

Amend the title numbers accordingly

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

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

S.F. No. 217: A bill for an act relating to taxation; revenue recapture; authorizing licensed ambulance services to submit claims directly to the state; amending Minnesota Statutes 2010, section 270A.03, subdivision 2.

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

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 2010, section 270A.07, subdivision 1, is amended to read:

Subdivision 1. **Notification requirement.** (a) Any claimant agency, seeking collection of a debt through setoff against a refund due, shall submit to the commissioner information indicating the amount of each debt and information identifying the debtor, as required by section 270A.04, subdivision 3.

(b) For each setoff of a debt against a refund due, the commissioner shall charge a fee of \$15. The proceeds of fees shall be allocated by depositing \$4 of each \$15 fee collected into a Department of Revenue recapture revolving fund and depositing the remaining balance into the general fund. The sums deposited into the revolving fund are appropriated to the commissioner for the purpose of administering the Revenue Recapture Act.

~~(c) For each debt for which a county acts as claimant agency on behalf of a licensed ambulance service, the county may charge the ambulance service a fee not to exceed the cost of administering the claim.~~

~~(d) The claimant agency shall notify the commissioner when a debt has been satisfied or reduced by at least \$200 within 30 days after satisfaction or reduction.~~

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

Amend the title numbers accordingly

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

Senator Michel from the Committee on Jobs and Economic Growth, to which was referred

S.F. No. 283: A bill for an act relating to taxation; insurance; providing a credit for investment in start-up and emerging Minnesota businesses; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116J; 297I.

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

Page 5, line 2, delete "credited to the general fund" and insert "appropriated to the commissioner of employment and economic development for the purposes of this act"

Page 5, lines 31 and 32, delete "\$200,000,000" and insert "\$160,000,000"

Page 9, line 8, delete "credited to the general fund" and insert "appropriated to the commissioner of employment and economic development for the purposes of this act"

Page 13, delete section 3

Amend the title as follows:

Page 1, line 3, delete "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 32, 33 and 217 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Carlson, Saxhaug and Skoe introduced–

S.F. No. 418: A bill for an act relating to natural resources; appropriating money for the upper Mississippi comprehensive plan.

Referred to the Committee on Environment and Natural Resources.

Senator Thompson introduced–

S.F. No. 419: A bill for an act relating to the legislature; coordinating legislative districts and congressional districts; amending Minnesota Statutes 2010, sections 2.021; 2.031, subdivision 1.

Referred to the Committee on State Government Innovation and Veterans.

Senators Senjem, Chamberlain, Rest, Bakk and Dahms introduced–

S.F. No. 420: A bill for an act relating to economic development; extending deadlines for spending tax increments under certain conditions; amending Minnesota Statutes 2010, section 469.176, subdivisions 4c, 4m.

Referred to the Committee on Taxes.

Senator Bakk introduced–

S.F. No. 421: A bill for an act relating to capital improvements; appropriating money for the Clair A. Nelson Memorial Forest; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Brown, DeKruif, Nienow, Miller and Benson introduced–

S.F. No. 422: A bill for an act relating to education finance; prioritizing basic revenue funding; modifying education finance formulas; amending Minnesota Statutes 2010, sections 124D.86, subdivision 3; 126C.10, subdivisions 3, 7, 8, 18; proposing coding for new law in Minnesota Statutes, chapter 126C.

Referred to the Committee on Education.

Senator Miller introduced–

S.F. No. 423: A bill for an act relating to the city of Lanesboro; authorizing a local sales and use tax; allowing the issuance of state bonds.

Referred to the Committee on Taxes.

Senators Miller and Nelson introduced–

S.F. No. 424: A bill for an act relating to cultural heritage; appropriating money for the Chatfield Center for the Arts.

Referred to the Committee on Environment and Natural Resources.

Senators Gerlach, Scheid, Sparks, Metzen and Jungbauer introduced–

S.F. No. 425: A bill for an act relating to commerce; regulating certain practices with respect to event tickets; establishing minimum standards for consumer protection; proposing coding for new law in Minnesota Statutes, chapter 325E; repealing Minnesota Statutes 2010, section 609.807.

Referred to the Committee on Commerce and Consumer Protection.

Senator Pogemiller introduced–

S.F. No. 426: A bill for an act relating to capital investment; appropriating money for the Heart of the Earth Interpretive Center, Minneapolis; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Brown introduced–

S.F. No. 427: A bill for an act relating to education finance; authorizing fund transfers for

Independent School District No. 728, Elk River.

Referred to the Committee on Education.

Senator Sieben introduced—

S.F. No. 428: A bill for an act relating to labor and industry; modifying boiler inspection provisions; amending Minnesota Statutes 2010, section 326B.958, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 326B.

Referred to the Committee on Jobs and Economic Growth.

Senators Scheid, Thompson and Wiger introduced—

S.F. No. 429: A bill for an act relating to civil actions; providing a factor for determining the amount of attorney fees awarded in certain actions; proposing coding for new law in Minnesota Statutes, chapter 549.

Referred to the Committee on Judiciary and Public Safety.

Senator Brown introduced—

S.F. No. 430: A bill for an act relating to traffic regulations; modifying provisions relating to disability parking; amending Minnesota Statutes 2010, sections 169.345, subdivision 1; 169.346, subdivision 3.

Referred to the Committee on Transportation.

Senator Stumpf introduced—

S.F. No. 431: A bill for an act relating to capital investment; appropriating money for flood hazard mitigation grants; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Michel, Nienow and Benson introduced—

S.F. No. 432: A bill for an act relating to civil actions; reforming medical malpractice liability; proposing coding for new law in Minnesota Statutes, chapters 147; 604.

Referred to the Committee on Judiciary and Public Safety.

Senators Michel, Hann and Nienow introduced—

S.F. No. 433: A bill for an act relating to education; directing the state of Minnesota to end participation in the No Child Left Behind Act.

Referred to the Committee on Education.

Senators Rosen, Bonoff, Senjem, Michel and Bakk introduced—

S.F. No. 434: A bill for an act relating to state government; authorizing issuance of state appropriation bonds; appropriating money; establishing the Minnesota pay for performance pilot program; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on State Government Innovation and Veterans.

Senators Rosen, Ingebrigtsen, Dahms, Skoe and Langseth introduced—

S.F. No. 435: A bill for an act relating to environment; requiring rulemaking for mandatory environmental assessment worksheet categories.

Referred to the Committee on Environment and Natural Resources.

Senators Magnus, Gimse, Kubly, Sheran and Rosen introduced—

S.F. No. 436: A bill for an act relating to transportation; appropriating money for rail service improvement program; authorizing sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Dahms and Kubly introduced—

S.F. No. 437: A bill for an act relating to economic development; appropriating money to the Minnesota Inventors Congress.

Referred to the Committee on Jobs and Economic Growth.

Senators Bakk and Saxhaug introduced—

S.F. No. 438: A bill for an act relating to game and fish; removing deer, moose, and elk stand height restrictions; amending Minnesota Statutes 2010, section 97B.325; repealing Minnesota Statutes 2010, sections 97B.511; 97B.515, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Senators Bakk, Tomassoni and Saxhaug introduced—

S.F. No. 439: A bill for an act relating to state lands; authorizing public and private sales of certain tax-forfeited land.

Referred to the Committee on Environment and Natural Resources.

Senator Saxhaug introduced—

S.F. No. 440: A bill for an act relating to counties; providing a coyote and beaver conflict management option; proposing coding for new law in Minnesota Statutes, chapter 348.

Referred to the Committee on Environment and Natural Resources.

Senator Saxhaug introduced—

S.F. No. 441: A bill for an act relating to game and fish; allowing use of a drum while baiting bear; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Environment and Natural Resources.

Senators Bakk and Saxhaug introduced—

S.F. No. 442: A bill for an act relating to natural resources; permitting a deer killed by motor vehicle to be kept by the driver; amending Minnesota Statutes 2010, section 97A.502.

Referred to the Committee on Environment and Natural Resources.

Senators Bakk and Saxhaug introduced—

S.F. No. 443: A bill for an act relating to game and fish; modifying bear hunting license drawing provisions; amending Minnesota Statutes 2010, section 97B.405.

Referred to the Committee on Environment and Natural Resources.

Senators Saxhaug, Bakk, Gazelka, Carlson and Tomassoni introduced—

S.F. No. 444: A bill for an act relating to natural resources; modifying certain wetland replacement requirements; amending Minnesota Statutes 2010, section 103G.222, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Senators Benson, Magnus, Kubly, Sparks and Ortman introduced—

S.F. No. 445: A bill for an act relating to estate taxation; providing an exclusion for certain farm and business properties; amending Minnesota Statutes 2010, section 291.03, subdivision 1, by adding subdivisions.

Referred to the Committee on Taxes.

Senators Benson, Magnus and Ortman introduced—

S.F. No. 446: A bill for an act relating to estate taxation; conforming to the changes in the federal exemption; amending Minnesota Statutes 2010, sections 291.005, subdivision 1; 291.03, subdivision 1.

Referred to the Committee on Taxes.

Senator Ortman introduced—

S.F. No. 447: A bill for an act relating to taxation; eliminating the sustainable forest incentive program; amending Minnesota Statutes 2010, sections 88.49, subdivisions 5, 9a; 273.114, subdivision 2; repealing Minnesota Statutes 2010, sections 13.4967, subdivision 2b; 88.491, subdivision 2; 290C.01; 290C.02; 290C.03; 290C.04; 290C.05; 290C.055; 290C.06; 290C.07;

290C.08; 290C.09; 290C.10; 290C.11; 290C.12; 290C.13.

Referred to the Committee on Taxes.

Senator Rest introduced–

S.F. No. 448: A bill for an act relating to veterans; changing the requirement for certain exams that a veteran must be 50 percent or more disabled to receive disabled veterans preference points; amending Minnesota Statutes 2010, section 197.455, subdivision 6.

Referred to the Committee on State Government Innovation and Veterans.

Senators Magnus, Parry, Reinert, Daley and Harrington introduced–

S.F. No. 449: A bill for an act relating to veterans; repealing the sunset on the campus veterans representative program; repealing Minnesota Statutes 2010, section 197.585, subdivision 5.

Referred to the Committee on State Government Innovation and Veterans.

Senators Rosen, Sparks, Senjem, Howe and Metzen introduced–

S.F. No. 450: A bill for an act relating to taxation; providing exemption from property taxation of personal property of an electric generation facility; amending Minnesota Statutes 2010, section 272.02, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Stumpf and Olson introduced–

S.F. No. 451: A bill for an act relating to education; modifying the career and technical levy; providing for career and technical education credits; amending Minnesota Statutes 2010, sections 120B.023, subdivision 2; 124D.4531, subdivision 1.

Referred to the Committee on Education.

Senator Vandever introduced–

S.F. No. 452: A bill for an act relating to education; establishing a pilot project to examine the policy implications of allowing a charter school to become an educational entity within a school district while retaining the autonomy and flexibility of a charter school.

Referred to the Committee on Education.

Senator Sieben introduced–

S.F. No. 453: A bill for an act relating to capital investment; appropriating money for purchase of real property by the city of Newport; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Thompson, Gerlach, Ingebrigtsen, Pederson and Gazelka introduced—

S.F. No. 454: A bill for an act relating to labor and employment; modifying wage and hour provisions; amending Minnesota Statutes 2010, sections 177.42; 177.43; 177.44; proposing coding for new law in Minnesota Statutes, chapter 177; repealing Minnesota Statutes 2010, section 177.435; Minnesota Rules, parts 5200.1020, subparts 1, 2, 4, 5, 6, 7; 5200.1030, subparts 1, 2, 2a; 5200.1035; 5200.1040; 5200.1050, subparts 1, 2, 2a, 2b, 2c, 3a, 4; 5200.1060; 5200.1080; 5200.1090; 5200.1100; 5200.1105; 5200.1106; 5200.1120.

Referred to the Committee on Jobs and Economic Growth.

Senators Thompson and Wiger introduced—

S.F. No. 455: A bill for an act relating to the permanent school fund; modifying the membership of the advisory committee; amending Minnesota Statutes 2010, section 127A.30, subdivision 1.

Referred to the Committee on Education.

Senators Torres Ray, Harrington and Scheid introduced—

S.F. No. 456: A bill for an act relating to education; requiring cultural competency training for teachers and school administrators seeking to renew their professional license; amending Minnesota Statutes 2010, sections 122A.09, subdivision 4; 122A.14, subdivision 3.

Referred to the Committee on Education.

Senators Marty and Goodwin introduced—

S.F. No. 457: A bill for an act relating to accountability in health care program contracts; requiring competitive bids and audits; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Senators Ortman and Rest introduced—

S.F. No. 458: A bill for an act relating to taxation; sales and use; defining solicitor for nexus purposes; amending Minnesota Statutes 2010, section 297A.66, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Langseth, Pappas, Berglin and Tomassoni introduced—

S.F. No. 459: A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and for other improvements of a capital nature with certain conditions; making changes to the nonprofit housing bond authorization; authorizing the sale and issuance of state bonds; modifying previous appropriations; appropriating money; amending Minnesota Statutes 2010, section 462A.36; Laws 2008, chapter 179, section 19, subdivision 4; Laws 2010, chapter 189, sections 6, subdivisions 2, 4; 19, subdivision 4.

Referred to the Committee on Capital Investment.

Senators Tomassoni, Metzen, Benson, Sparks and Bakk introduced—

S.F. No. 460: A bill for an act relating to public safety; authorizing limited personal use of fireworks; requiring an affidavit of safety guidelines; providing for criminal penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Judiciary and Public Safety.

Senator Wiger introduced—

S.F. No. 461: A bill for an act relating to education finance; authorizing integration revenue to be spent on prekindergarten students; amending Minnesota Statutes 2010, section 124D.86, subdivision 1.

Referred to the Committee on Education.

Senators Goodwin and Dibble introduced—

S.F. No. 462: A bill for an act relating to dogs and cats; providing for licensing and inspection of certain dog and cat breeders; proposing coding for new law in Minnesota Statutes, chapter 347.

Referred to the Committee on Agriculture and Rural Economies.

Senators Gerlach, Metzen and Daley introduced—

S.F. No. 463: A bill for an act relating to capital improvements; appropriating money for Cedar Avenue Bus Rapid Transitway (BRT) in Dakota and Hennepin Counties; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Rest introduced—

S.F. No. 464: A bill for an act relating to taxation; tax increment financing; transit improvement areas; amending Minnesota Statutes 2010, sections 469.174, subdivision 12; 469.176, subdivision 4c; 469.1763, subdivision 2.

Referred to the Committee on Taxes.

Senators Dibble, Harrington, Latz, Goodwin and Marty introduced—

S.F. No. 465: A bill for an act relating to public safety; requiring background check for transfer of a firearm at a gun show; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Judiciary and Public Safety.

Senators Dibble, Marty and Pappas introduced–

S.F. No. 466: A bill for an act relating to health; establishing an HIV transmission public education program; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Senators Ortman, Hoffman and Miller introduced–

S.F. No. 467: A bill for an act relating to local sales taxes; allowing cities to impose a local sales tax if certain criteria are met; amending Minnesota Statutes 2010, section 297A.99, subdivision 1, by adding a subdivision.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Sheran moved that her name be stricken as a co-author to S.F. No. 270. The motion prevailed.

Senator Vandever moved that his name be stricken as chief author and the name of Senator Limmer be shown as chief author to S.F. No. 270. The motion prevailed.

Senator Pederson moved that the name of Senator Brown be added as a co-author to S.F. No. 412. The motion prevailed.

Senator Goodwin introduced –

Senate Resolution No. 42: A Senate resolution honoring Elaina Hamann of Columbia Heights on being named a Prudential Spirit of Community Award 2011 Distinguished Finalist.

Referred to the Committee on Rules and Administration.

Senator Stumpf introduced –

Senate Resolution No. 43: A Senate resolution congratulating J. Luke Loegering of Crookston, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Stumpf introduced –

Senate Resolution No. 44: A Senate resolution congratulating Isaac F. Loegering of Crookston, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated H.F. No. 1 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1: A bill for an act relating to environment; providing for permitting efficiency; modifying environmental review requirements; amending Minnesota Statutes 2010, sections 84.027, by adding a subdivision; 115.07; 116.03, by adding a subdivision; 116.07, subdivision 2; 116D.04, subdivisions 1a, 2a, 3a, 10; 116D.045, subdivisions 1, 3.

Senator Ingebrigtsen moved to amend H.F. No. 1, as amended pursuant to Rule 45, adopted by the Senate February 17, 2011, as follows:

(The text of the amended House File is identical to S.F. No. 42.)

Page 1, line 22, delete "the final quarter of the fiscal" and insert "August 1 each"

Page 2, line 5, after "30" insert "business"

Page 2, line 11, delete "the 30-day period" and insert "30 business days"

Page 2, line 13, after the period, insert "This paragraph does not apply to an application for a permit that is subject to a grant or loan agreement under chapter 446A."

Page 4, line 14, delete "the final quarter of the fiscal" and insert "August 1 each"

Page 4, line 21, after "30" insert "business"

Page 4, line 27, delete "the 30-day period" and insert "30 business days"

Page 4, line 29, after the period, insert "This paragraph does not apply to an application for a permit that is subject to a grant or loan agreement under chapter 446A."

The motion prevailed. So the amendment was adopted.

Senator Ingebrigtsen moved to amend H.F. No. 1, as amended pursuant to Rule 45, adopted by the Senate February 17, 2011, as follows:

(The text of the amended House File is identical to S.F. No. 42.)

Page 7, delete lines 4 to 13 and insert:

"(f) In any rulemaking proceeding under chapter 14 to adopt standards for air quality, solid waste, or hazardous waste under this chapter, or standards for water quality under chapter 115, the statement of need and reasonableness must include:

(1) an assessment of any differences between the proposed rule and:

(i) existing federal standards adopted under the Clean Air Act, United States Code, title 42, section 7412(b)(2); the Clean Water Act, United States Code, title 33, sections 1312(a) and 1313(c)(4); and the Resource Conservation and Recovery Act, United States Code, title 42, section 6921(b)(1);

(ii) similar standards in states bordering Minnesota; and

(iii) similar standards in states within the Environmental Protection Agency Region 5; and

(2) a specific analysis of the need and reasonableness of each difference."

The motion prevailed. So the amendment was adopted.

Senator Saxhaug moved to amend H.F. No. 1, as amended pursuant to Rule 45, adopted by the Senate February 17, 2011, as follows:

(The text of the amended House File is identical to S.F. No. 42.)

Page 7, after line 15, insert:

"Sec. 5. Minnesota Statutes 2010, section 116D.04, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** For the purposes of this chapter, the following terms have the meanings given to them in this subdivision.

(a) "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

(b) "Pollution, impairment or destruction" has the meaning given it in section 116B.02, subdivision 5.

(c) "Environmental assessment worksheet" means a brief document which is designed to set out the basic facts necessary to determine whether an environmental impact statement is required for a proposed action.

(d) "Governmental action" means activities, including projects wholly or partially conducted, permitted, assisted, financed, regulated, or approved by units of government including the federal government.

(e) "Governmental unit" means any state agency and any general or special purpose unit of government in the state including, but not limited to, watershed districts organized under chapter 103D, counties, towns, cities, port authorities, housing authorities, and economic development authorities established under sections 469.090 to 469.108, but not including courts, school districts, Iron Range resources and rehabilitation, and regional development commissions other than the Metropolitan Council."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Higgins moved to amend H.F. No. 1, as amended pursuant to Rule 45, adopted by the Senate February 17, 2011, as follows:

(The text of the amended House File is identical to S.F. No. 42.)

Page 7, delete section 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 47, as follows:

Those who voted in the affirmative were:

Anderson	Goodwin	Kubly	Pappas	Sheran
Berglin	Harrington	Latz	Pogemiller	Sieben
Cohen	Higgins	Lourey	Reinert	Wiger
Dibble	Kelash	Marty	Rest	

Those who voted in the negative were:

Bakk	Gazelka	Kruse	Nienow	Skoe
Benson	Gerlach	Langseth	Olson	Sparks
Bonoff	Gimse	Lillie	Ortman	Stumpf
Brown	Hall	Limmer	Parry	Thompson
Carlson	Hann	Magnus	Pederson	Tomassoni
Chamberlain	Hoffman	Metzen	Robling	Vanderveer
Dahms	Howe	Michel	Rosen	Wolf
Daley	Ingebrigtsen	Miller	Saxhaug	
DeKruif	Jungbauer	Nelson	Scheid	
Fischbach	Koch	Newman	Senjem	

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

Senator Latz moved to amend H.F. No. 1, as amended pursuant to Rule 45, adopted by the Senate February 17, 2011, as follows:

(The text of the amended House File is identical to S.F. No. 42.)

Page 10, delete section 7 and insert:

"Sec. 7. Minnesota Statutes 2010, section 116D.04, subdivision 10, is amended to read:

Subd. 10. **Review.** Decisions on the need for an environmental assessment worksheet, the need for an environmental impact statement, and the adequacy of an environmental impact statement may be reviewed by a declaratory judgment action in the district court of the county wherein the proposed action, or any part thereof, would be undertaken when a permit from a local unit of government is required for the proposed action or by a petition for a writ of certiorari under sections 14.63 to 14.68 to the Court of Appeals when no local permits are required for the proposed action. The Court of Appeals shall, whenever possible, conduct its proceedings near where the project has been proposed. The filing of a writ of certiorari does not automatically stay further action by the responsible governmental unit, but the Court of Appeals may order a stay upon terms that it deems proper. Judicial review under this section shall be initiated within 30 days after the governmental unit makes the decision, and a bond may be required under section 562.02 unless at the time of hearing on the application for the bond the plaintiff petitioner has shown that the claim has sufficient possibility of success on the merits to sustain the burden required for the issuance of a temporary restraining order stay. ~~Nothing in this section shall be construed to alter the requirements for a temporary restraining order or a preliminary injunction pursuant to the Minnesota Rules of Civil Procedure for district courts.~~ The board may initiate judicial review of decisions referred to herein and may intervene as of right in any proceeding brought under this subdivision.

APPLICATION. This section applies to matters in which the final decision that is subject to judicial review is made on or after the effective date of this section."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 48, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Kelash	Pappas	Wiger
Bakk	Dibble	Kubly	Pogemiller	
Berglin	Goodwin	Latz	Rest	
Bonoff	Higgins	Marty	Sheran	

Those who voted in the negative were:

Benson	Hall	Lillie	Olson	Sieben
Brown	Hann	Limmer	Ortman	Skoe
Carlson	Harrington	Lourey	Parry	Sparks
Chamberlain	Hoffman	Magnus	Pederson	Stumpf
Dahms	Howe	Metzen	Reinert	Thompson
Daley	Ingebrigtsen	Michel	Robling	Tomassoni
DeKruif	Jungbauer	Miller	Rosen	Vandever
Gazelka	Koch	Nelson	Saxhaug	Wolf
Gerlach	Kruse	Newman	Scheid	
Gimse	Langseth	Nienow	Senjem	

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

Senator Latz moved to amend H.F. No. 1, as amended pursuant to Rule 45, adopted by the Senate February 17, 2011, as follows:

(The text of the amended House File is identical to S.F. No. 42.)

Page 11, line 4, after the period, insert "The Court of Appeals shall, whenever possible, conduct its proceedings near where the project has been proposed."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 45, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Kubly	Pogemiller	Wiger
Bakk	Goodwin	Latz	Reinert	
Berglin	Harrington	Lourey	Rest	
Bonoff	Higgins	Marty	Sheran	
Cohen	Kelash	Pappas	Sieben	

Those who voted in the negative were:

Benson	Gerlach	Kruse	Newman	Scheid
Brown	Gimse	Langseth	Nienow	Senjem
Carlson	Hall	Lillie	Olson	Skoe
Chamberlain	Hann	Limmer	Ortman	Sparks
Dahms	Hoffman	Magnus	Parry	Stumpf
Daley	Howe	Metzen	Pederson	Thompson
DeKruif	Ingebrigtsen	Michel	Robling	Tomassoni
Fischbach	Jungbauer	Miller	Rosen	Vandever
Gazelka	Koch	Nelson	Saxhaug	Wolf

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

H.F. No. 1 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 49 and nays 16, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Koch	Newman	Senjem
Benson	Gerlach	Kruse	Nienow	Sheran
Bonoff	Goodwin	Langseth	Olson	Skoe
Brown	Hall	Lillie	Ortman	Sparks
Carlson	Hann	Limmer	Parry	Stumpf
Chamberlain	Harrington	Magnus	Pederson	Thompson
Dahms	Hoffman	Metzen	Robling	Tomassoni
Daley	Howe	Michel	Rosen	Vandever
DeKruif	Ingebrigtsen	Miller	Saxhaug	Wolf
Fischbach	Jungbauer	Nelson	Scheid	

Those who voted in the negative were:

Anderson	Higgins	Lourey	Reinert
Berglin	Kelash	Marty	Rest
Cohen	Kubly	Pappas	Sieben
Dibble	Latz	Pogemiller	Wiger

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Koch, Chair of the Committee on Rules and Administration, designated H.F. No. 55 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 55: A bill for an act relating to state lands; modifying stream easement acquisition provisions; modifying state park, state forest, and land exchange provisions; adding to and deleting from state parks and state forests; authorizing public and private sales, conveyances, and exchanges of certain state land; amending Minnesota Statutes 2010, sections 84.0272, subdivision 2; 85.012, subdivision 40; 89.021, by adding a subdivision; 89.032, subdivision 2; 94.342, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Senator Torres Ray was excused from the Session of today. Senator Fischbach was excused from the Session of today from 12:00 noon to 12:15 p.m. Senator Gimse was excused from the Session of today from 12:30 to 12:45 p.m.

ADJOURNMENT

Senator Koch moved that the Senate do now adjourn until 11:15 a.m., Monday, February 28, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate