

SEVENTY-EIGHTH DAY

St. Paul, Minnesota, Monday, February 27, 2012

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

CALL OF THE SENATE

Senator Senjem 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. Leslie Brooke Neist.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America, led by military service veteran, Mr. Herb Cook.

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

| | | | | |
|-------------|--------------|-----------|----------|------------|
| Bakk | Fischbach | Jungbauer | Metzen | Saxhaug |
| Benson | Gazelka | Kelash | Michel | Senjem |
| Bonoff | Gerlach | Koch | Miller | Sieben |
| Brown | Gimse | Kruse | Nelson | Stumpf |
| Carlson | Goodwin | Kubly | Newman | Thompson |
| Chamberlain | Hall | Langseth | Olson | Tomassoni |
| Cohen | Hann | Latz | Ortman | Torres Ray |
| Dahms | Harrington | Lillie | Pappas | Vanderveer |
| Daley | Hayden | Limmer | Parry | Wiger |
| DeKruif | Higgins | Lourey | Pederson | Wolf |
| Dibble | Hoffman | Magnus | Reinert | |
| Dziedzic | Howe | Marty | Robling | |
| Eaton | Ingebrigtsen | McGuire | Rosen | |

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 14, 2012

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:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Erik Tomlinson, 2748 - 42nd Ave. S., Minneapolis, in the county of Hennepin, effective February 21, 2012, for a term expiring on January 4, 2016.

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

February 14, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

George Beck, 4327 Brook Ln., Saint Louis Park, in the county of Hennepin, effective February 21, 2012, for a term expiring on January 4, 2016.

Neil Peterson, 9640 Xylon Ave. S., Bloomington, in the county of Hennepin, effective February 21, 2012, for a term expiring on January 4, 2016.

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

February 22, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

Enclosed is a copy of the Notice of Appointment for Kristin Batson, whom I have appointed Acting Director of the Minnesota State Lottery, effective February 23, 2012.

Sincerely,
Mark Dayton, Governor

February 23, 2012

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2012 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S.F. No. | H.F. No. | Session Laws Chapter No. | Time and Date Approved 2012 | Date Filed 2012 |
|-------------|-------------|-----------------------------|-----------------------------------|--------------------|
| | 2394 | 123 | 6:03 p.m. February 23 | February 23 |

Sincerely,
Mark Ritchie
Secretary of State

REPORTS OF COMMITTEES

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

Senator Parry from the Committee on State Government Innovation and Veterans, to which was re-referred

S.F. No. 1577: A bill for an act proposing an amendment to the Minnesota Constitution, article VII, section 1; requiring voters to present photographic identification; providing photographic identification to voters at no charge; requiring substantially equivalent verification standards for all voters.

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

Delete everything after the enacting clause and insert:

"Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article VII, section 1, will read:

Section 1. (a) Every person 18 years of age or more who has been a citizen of the United States for three months and who has resided in the precinct for 30 days next preceding an election; who, at the time of voting in person, shall present government-issued photographic identification as prescribed by law, or who, when not voting in person, shall provide government-issued proof of identity as prescribed by law; shall be entitled to vote in that precinct. The state must make photographic identification available to eligible individuals at no charge as prescribed by law. The place of voting by one otherwise qualified who has changed his residence within 30 days preceding the election shall be prescribed by law. The following persons shall not be entitled or permitted to vote at any election in this state: A person not meeting the above requirements; a person who has been convicted of treason or felony, unless restored to civil rights; a person under guardianship, or a person who is insane or not mentally competent. All voters must be subject to substantially equivalent state eligibility verification prior to a ballot being cast or counted.

(b) A voter who is unable to present government-issued photographic identification when voting in person must be permitted to submit a provisional ballot as prescribed by law. Absentee ballots shall be counted if government-issued photo identification or government-issued proof of identity is presented or provided as prescribed by law.

Sec. 2. SUBMISSION TO VOTERS.

The proposed amendment must be submitted to the people at the 2012 general election. If approved, the amendment is effective for elections on or after June 30, 2013. The question submitted must be:

"Shall the Minnesota Constitution be amended effective June 30, 2013, to require that all in-person voters present an approved form of government-issued photographic identification at the time of voting; that those not voting in person provide government-issued proof of identity; that all voters be subject to substantially equivalent eligibility verification before a ballot is cast or counted; and that the state provide at no charge an approved photographic identification to eligible individuals?"

Yes
No ""

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

Senator Parry from the Committee on State Government Innovation and Veterans, to which was re-referred

S.F. No. 1631: A bill for an act relating to job creation; imposing a temporary moratorium on state agency rulemaking.

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

Page 1, line 17, delete the second "or"

Page 1, line 18, delete the period and insert a semicolon

Page 1, after line 18, insert:

"(3) the rules listed in Minnesota Statutes, section 14.386, paragraph (d), clause (2); or

(4) rulemaking otherwise authorized by the legislature after the effective date of this section."

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

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

S.F. No. 1260: A bill for an act relating to local government; changing certain county publication requirements; amending authority to use alcohol enforcement account funds; expanding application of qualified newspaper requirements; changing duties of Ramsey County Community Corrections Department; amending collective bargaining agreement on aggregate value of benefits; repealing

bid process for certain county publications; repealing notice to commissioner of certain liquor licenses; repealing county petition for additional clerks; repealing seed and feed loan program; amending Minnesota Statutes 2010, sections 279.09; 299A.77; 331A.11; 375.055, subdivision 1; 383A.404, by adding a subdivision; 471.6161, subdivision 5; repealing Minnesota Statutes 2010, sections 279.07; 279.08; 340A.403, subdivision 4; 382.265; 383A.404, subdivision 5; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; 395.24.

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

Page 2, line 6, strike "340A.403, subdivision 4;" and reinstate "340A.414, subdivision 1a;"

Page 3, delete sections 5 and 6

Page 3, line 18, delete "383A.404, subdivision 5;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, delete line 5

Page 1, line 6, delete everything before "repealing"

Amend the title numbers accordingly

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

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

S.F. No. 1586: A bill for an act relating to public safety; adding a felony-level penalty and affirmative defenses to the vulnerable adult neglect crime; amending Minnesota Statutes 2010, section 609.233.

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

Page 1, line 16, after "provisions" insert a comma

Page 2, line 32, delete "due to" and insert "because of"

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

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

S.F. No. 1713: A bill for an act relating to agriculture; establishing an immigrant and minority microloan program; modifying provisions related to the Rural Finance Authority; amending Minnesota Statutes 2010, sections 41B.036; 41B.048, subdivision 6; 41B.055, subdivision 1; 41B.06; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 2010, section 41B.048, subdivision 7.

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1298: A bill for an act relating to civil actions; regulating the imposition of certain civil penalties by state agencies; awarding fees and expenses to prevailing parties in certain actions involving state agencies and municipalities; amending Minnesota Statutes 2010, sections 15.471, subdivision 6, by adding a subdivision; 15.472; proposing coding for new law in Minnesota Statutes, chapters 15; 471.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 14.045, subdivision 3, is amended to read:

Subd. 3. **Factors.** (a) If a statute or rule gives an agency discretion over the amount of a fine or civil penalty, the agency must take the following factors into account in determining the amount of the fine or penalty:

- (1) the willfulness of the violation;
- (2) the gravity of the violation, including damage to humans, animals, and the natural resources of the state;
- (3) the history of past violations;
- (4) the number of violations;
- (5) the economic benefit gained by the person by allowing or committing the violation; ~~and~~
- (6) finest or penalties that similarly situated persons have been assessed for similar violations;
- (7) the cooperation and responsiveness of the person, provided that a fine or penalty must not be imposed or enhanced because a person has contested an alleged violation or asserted a right or defense provided for in law; and
- ~~(6)~~ (8) other factors that justice may require.

(b) For a violation after an initial violation, the following factors must be considered in addition to the factors in paragraph (a):

- (1) similarity of recent previous violations to the current violation to be penalized;
- (2) time elapsed since the last violation;
- (3) number of previous violations; and
- (4) response of the person to the most recent previous violation identified.

(c) In addition to stating the factual and legal basis for a violation, a state agency shall, as part of its notice, demand, order, or complaint in an administrative or civil proceeding, include documentation of the application of the factors under paragraphs (a) and (b) in determining the amount of any proposed fine or penalty. This paragraph does not limit the ability of an agency, at any time, to seek injunctive relief related to an alleged violation.

(d) A party subject to a proposed fine or penalty under this section is entitled to offer affirmative defenses including, but not limited to:

(1) the number of prior contacts where a state agency offered reasonable corrective measures before issuing a fine or penalty;

(2) the ability of the party to pay the proposed fine or penalty; and

(3) other economic factors affecting the feasibility or practicality of compliance by the party.

(e) As used in paragraphs (c) and (d), "party" has the meaning given in section 15.471, subdivision 6.

(f) Paragraphs (c) and (d) do not apply to civil penalties assessed under chapter 10A or 211B.

Sec. 2. Minnesota Statutes 2010, section 15.471, is amended by adding a subdivision to read:

Subd. 3a. **Demand.** "Demand" means the express demand of the agency that led to the civil action or contested case proceeding.

Sec. 3. Minnesota Statutes 2010, section 15.471, subdivision 6, is amended to read:

Subd. 6. **Party.** (a) Except as modified by paragraph (b), "party" means a person named or admitted as a party, or seeking and entitled to be admitted as a party, in a court action or contested case proceeding, or a person admitted by an administrative law judge for limited purposes, and who is:

(1) an unincorporated business, partnership, corporation, association, or organization, having not more than 500 employees at the time the civil action was filed or the contested case proceeding was initiated; and

(2) an unincorporated business, partnership, corporation, association, or organization whose annual revenues did not exceed ~~\$7,000,000~~ \$30,000,000 at the time the civil action was filed or the contested case proceeding was initiated.

(b) "Party" also includes a partner, officer, shareholder, member, or owner of an entity described in paragraph (a), clauses (1) and (2).

(c) "Party" does not include a person providing services pursuant to licensure or reimbursement on a cost basis by the Department of Health or the Department of Human Services, when that person is named or admitted or seeking to be admitted as a party in a matter which involves the licensing or reimbursement rates, procedures, or methodology applicable to those services.

Sec. 4. Minnesota Statutes 2010, section 15.472, is amended to read:

15.472 FEES AND EXPENSES; CIVIL ACTION OR CONTESTED CASE PROCEEDING INVOLVING STATE.

(a) If a prevailing party other than the state, in a civil action or contested case proceeding other than a tort action, brought by or against the state, shows that the position of the state was not substantially justified, the court or administrative law judge shall award fees and other expenses to the party unless special circumstances make an award unjust.

(b) If, in a civil action or contested case proceeding arising from a state agency action to enforce a party's compliance with a statutory or regulatory requirement, the demand by the agency is substantially in excess of the final decision of the administrative law judge or court and is unreasonable when compared with that decision under the facts and circumstances of the case, the administrative law judge or court shall award to the party the fees and other expenses related to defending against the excessive demand, unless the party has committed a willful violation of law or engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy or special circumstances make an award unjust.

~~(b)~~ (c) A party seeking an award of fees and other expenses shall, within 30 days of final judgment in the action, submit to the court or administrative law judge an application of fees and other expenses which shows that the party is a prevailing party and is eligible to receive an award, and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing on behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the state was not substantially justified.

~~(e)~~ (d) The court or administrative law judge may reduce the amount to be awarded under this section, or deny an award, to the extent that the prevailing party during the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy. The decision of an administrative law judge under this section must be made a part of the record containing the final decision of the agency and must include written findings and conclusions.

~~(d)~~ (e) This section does not preclude a party from recovering costs, disbursements, fees, and expenses under other applicable law.

Sec. 5. CITATION.

This act may be cited as the "Small Business Bill of Rights - Regulatory Fairness Act."

Sec. 6. EFFECTIVE DATE; APPLICATION.

This act is effective August 1, 2012, and applies to administrative proceedings or civil actions commenced on or after that date."

Delete the title and insert:

"A bill for an act relating to civil actions; regulating the imposition of certain civil penalties by state agencies; awarding fees and expenses to prevailing parties in certain actions involving state agencies; amending Minnesota Statutes 2010, sections 14.045, subdivision 3; 15.471, subdivision 6, by adding a subdivision; 15.472."

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 Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1825: A bill for an act relating to public safety; allowing convictions under the original criminal vehicular operation law to enhance certain DWI offenses; correcting a legislative oversight; amending Minnesota Statutes 2010, sections 169A.03, subdivisions 20, 21; 169A.24, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1958: A bill for an act relating to public safety; permitting law enforcement access to Department of Human Services electronic civil commitment data for a background check on an applicant for a permit to possess explosives; amending Minnesota Statutes 2010, section 245.041.

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

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

S.F. No. 1636: A bill for an act relating to taxation; sales and use; modifying definition of retail sale; amending Minnesota Statutes 2010, section 297A.61, subdivision 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Transportation. Report adopted.

Senator Fischbach from the Committee on Higher Education, to which was referred

S.F. No. 1780: A bill for an act relating to higher education; clarifying the authority of the Minnesota State Colleges and Universities system to continue operations during a budget impasse; appropriating money; amending Minnesota Statutes 2010, section 136F.71, subdivision 3, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1260, 1586, 1713, 1825 and 1958 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Koch introduced—

S.F. No. 2081: A bill for an act relating to capital improvements; appropriating money for land acquisition for a regional park in Wright County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Michel, Metzen, Tomassoni and Miller introduced—

S.F. No. 2082: 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 Jobs and Economic Growth.

Senators Michel, Senjem, Ortman and Rest introduced—

S.F. No. 2083: A bill for an act relating to taxation; modifying liquor reporting requirements; amending Minnesota Statutes 2010, section 297A.8155.

Referred to the Committee on Taxes.

Senator Limmer introduced—

S.F. No. 2084: A bill for an act relating to public safety; permitting victim notification regarding offenders by Department of Corrections to include electronic notification in addition to written notification; amending Minnesota Statutes 2010, sections 253B.18, subdivision 5a; 253B.185, subdivision 10; 611A.06, subdivisions 1, 2.

Referred to the Committee on Judiciary and Public Safety.

Senators Rosen, Stumpf, Parry, Metzen and Olson introduced—

S.F. No. 2085: A bill for an act relating to gambling; authorizing the director of the State Lottery to establish gaming machines at a licensed racetrack; imposing a fee on gaming machine revenue; providing powers and duties to the director; dedicating money for education; amending Minnesota Statutes 2010, sections 240.03; 240.13, by adding a subdivision; 240.14, by adding a subdivision; 240.28, subdivision 2; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.10, subdivision 3; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A; repealing Minnesota Statutes 2010, section 240.30, subdivision 8.

Referred to the Committee on State Government Innovation and Veterans.

Senator Howe introduced—

S.F. No. 2086: A bill for an act relating to capital investment; appropriating money for the Sheldon Theatre in Red Wing; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Gerlach introduced—

S.F. No. 2087: A bill for an act relating to liquor; authorizing off-sale license for growlers; amending Minnesota Statutes 2010, section 340A.405, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Senators Hann, Olson, Nelson and Bonoff introduced—

S.F. No. 2088: A bill for an act relating to education; changing by one month the date by which a

school board must notify a probationary teacher about not renewing the teacher's contract; amending Minnesota Statutes 2011 Supplement, section 122A.40, subdivision 5.

Referred to the Committee on Education.

Senators Pappas and Dibble introduced—

S.F. No. 2089: A bill for an act relating to education finance; authorizing school districts to levy for changes to employer contribution for teacher retirement; amending Minnesota Statutes 2010, section 126C.41, by adding a subdivision.

Referred to the Committee on Education.

Senator Thompson introduced—

S.F. No. 2090: A bill for an act relating to state government; removing restrictions relating to outside contracts; amending Minnesota Statutes 2010, sections 16C.08, subdivision 2; 16C.09; 136F.77, subdivision 3; repealing Minnesota Statutes 2010, sections 16C.085; 43A.047; 179A.23.

Referred to the Committee on State Government Innovation and Veterans.

Senator Hann introduced—

S.F. No. 2091: A bill for an act relating to health; removing a provision that prohibited providers from charging certain patients a fee for producing requested copies of the patient's health record; requiring hospitals to publicly report certain information through the Leapfrog Group; transferring the Department of Health's health economics program to the Department of Commerce; requiring the commissioner of health to study possible effects of allowing for-profit HMOs to operate in the state; modifying requirements for release of patient health information; amending Minnesota Statutes 2010, sections 144.292, subdivision 6; 144.293, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Senator Hann introduced—

S.F. No. 2092: A bill for an act relating to human services; modifying parental contributions for certain disability services; modifying state agency hearings related to the personal care assistance program; modifying assessment and support planning; modifying certain congregate rate reductions; modifying consultation for housing with services; developing the Community First Choice Option; modifying the foster care licensing moratorium; modifying residential settings for home and community-based services; amending Minnesota Statutes 2010, sections 252.27, subdivision 2a; 256B.0659, by adding a subdivision; Minnesota Statutes 2011 Supplement, sections 245A.03, subdivision 7; 256.045, subdivision 3; 256B.0911, subdivisions 3a, 3c; Laws 2011, First Special Session chapter 9, article 10, section 3, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Senator Hann introduced—

S.F. No. 2093: A bill for an act relating to human services; providing a supplementary rate for a certain group residential housing provider; modifying the general assistance program; modifying early childhood learning and child protection facilities; amending Minnesota Statutes 2010, sections 256D.06, subdivision 1b; 256E.37, subdivision 1; 256I.05, subdivision 1e.

Referred to the Committee on Health and Human Services.

Senator Hann introduced—

S.F. No. 2094: A bill for an act relating to human services; modifying eligibility for the healthy Minnesota contribution program; amending Minnesota Statutes 2010, section 256L.07, subdivision 3; Minnesota Statutes 2011 Supplement, sections 62E.14, subdivision 4g; 256L.031, subdivisions 1, 2, 3, 6.

Referred to the Committee on Health and Human Services.

Senator Carlson introduced—

S.F. No. 2095: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution by adding a section to article I; providing for right of individuals to keep and bear arms.

Referred to the Committee on Judiciary and Public Safety.

Senator Langseth introduced—

S.F. No. 2096: A bill for an act relating to capital investment; appropriating money for flood mitigation improvements in Moorhead; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Dahms, Tomassoni, Kubly, Senjem and Wolf introduced—

S.F. No. 2097: A bill for an act relating to capital investment; appropriating money for the Minnesota Southwest Regional Amateur Sports Facility; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Sparks, Rosen and Howe introduced—

S.F. No. 2098: A bill for an act relating to utilities; modifying the reporting obligations of certain cooperative utilities under the integrated resource planning process; amending Minnesota Statutes 2010, section 216B.2422, by adding a subdivision.

Referred to the Committee on Energy, Utilities and Telecommunications.

Senators Nelson, Dahms, Rosen, Sparks and Magnus introduced—

S.F. No. 2099: A bill for an act relating to taxes; individual income and corporate franchise; conforming to federal section 179 expensing allowance for certain taxpayers; amending Minnesota Statutes 2011 Supplement, section 290.01, subdivisions 19a, 19c.

Referred to the Committee on Taxes.

Senator Michel introduced—

S.F. No. 2100: A bill for an act relating to local government; providing for a longer public notice period in a zoning ordinance or amendment for large projects; amending Minnesota Statutes 2010, section 462.357, subdivision 3, by adding a subdivision.

Referred to the Committee on Local Government and Elections.

Senators Thompson, DeKruif, Hann, Hoffman and Daley introduced—

S.F. No. 2101: A bill for an act relating to game and fish; exempting military personnel and veterans from firearms safety certificate requirement; amending Minnesota Statutes 2010, sections 97B.015, subdivision 5a; 97B.020.

Referred to the Committee on Environment and Natural Resources.

Senators Hann, Lourey, Higgins and Nienow introduced—

S.F. No. 2102: A bill for an act relating to human services; appropriating money for living skills training programs for persons with intractable epilepsy.

Referred to the Committee on Health and Human Services.

Senator Hayden introduced—

S.F. No. 2103: A bill for an act relating to state government; providing for the continued existence of the Council on Affairs of Chicano/Latino People, Council on Black Minnesotans, Council on Asian-Pacific Minnesotans, Indian Affairs Council, and Council on Disabilities; amending Minnesota Statutes 2011 Supplement, section 3D.21, subdivision 1.

Referred to the Committee on State Government Innovation and Veterans.

Senator Chamberlain introduced—

S.F. No. 2104: A bill for an act relating to property taxation; establishing the Truth in Taxation Task Force.

Referred to the Committee on State Government Innovation and Veterans.

Senator Chamberlain introduced—

S.F. No. 2105: A bill for an act relating to retirement; White Bear Lake Volunteer Fire

Department Relief Association; authorizing the payment of retired member death benefits from the special fund.

Referred to the Committee on State Government Innovation and Veterans.

Senators Marty, Newman, Sieben, Limmer and Latz introduced—

S.F. No. 2106: A bill for an act relating to marriage; authorizing a judge from the Office of Administrative Hearings to perform marriages; amending Minnesota Statutes 2010, section 517.04.

Referred to the Committee on Judiciary and Public Safety.

Senators Bonoff, Wolf, Rest, Michel and Robling introduced—

S.F. No. 2107: A bill for an act relating to early childhood education; appropriating money for the parent-child home program; amending Laws 2011, First Special Session chapter 11, article 7, section 2, subdivision 8.

Referred to the Committee on Education.

Senator Ingebrigtsen introduced—

S.F. No. 2108: A bill for an act relating to public safety; permitting law enforcement to take fingerprints of an offender interacting with the criminal justice system for any offense to eliminate a suspense record; amending Minnesota Statutes 2011 Supplement, section 299C.10, subdivision 1.

Referred to the Committee on Judiciary and Public Safety.

Senators Howe, Chamberlain, Rest and Miller introduced—

S.F. No. 2109: A bill for an act relating to taxation; tax increment financing; modifying definitions; amending Minnesota Statutes 2010, section 469.174, subdivision 10.

Referred to the Committee on Taxes.

Senators Ingebrigtsen and Rosen introduced—

S.F. No. 2110: A bill for an act relating to human services; modifying critical access dental provider payments; amending Minnesota Statutes 2011 Supplement, section 256B.76, subdivision 4.

Referred to the Committee on Health and Human Services.

Senator Jungbauer introduced—

S.F. No. 2111: A bill for an act relating to public safety; expanding and updating the authority of the Statewide Radio Board to include the latest emergency communication technologies; authorizing the Statewide Radio Board to elect to become a statewide emergency communication board; including tribal governments in regional radio board structure; providing comprehensive authority under board to address all emergency communications; providing for rulemaking;

amending Minnesota Statutes 2010, sections 403.02; 403.025; 403.03; 403.05; 403.06; 403.07; 403.08; 403.09, subdivision 2; 403.10; 403.11; 403.113; 403.15; 403.21, subdivisions 2, 13, by adding a subdivision; 403.37, subdivision 1; 403.38; 403.39; 403.40, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 403; repealing Minnesota Statutes 2010, sections 403.21, subdivision 6; 403.33.

Referred to the Committee on Judiciary and Public Safety.

Senator Jungbauer introduced—

S.F. No. 2112: A bill for an act relating to claims against the state; providing for settlement of certain claims; appropriating money.

Referred to the Committee on Finance.

Senators Hann, Harrington, DeKruif, Thompson and Olson introduced—

S.F. No. 2113: A bill for an act relating to education; modifying certain charter school provisions; amending Minnesota Statutes 2011 Supplement, section 124D.10, subdivisions 3, 4, 6, 11, 15, 17a, 23, 25.

Referred to the Committee on Education.

Senator Newman introduced—

S.F. No. 2114: A bill for an act relating to child support judgments; eliminating certain provisions providing for 20-year survival of judgments; amending Minnesota Statutes 2010, sections 541.04; 548.09, subdivision 1.

Referred to the Committee on Judiciary and Public Safety.

Senators Latz and Lourey introduced—

S.F. No. 2115: A bill for an act relating to corporations; providing that business corporations do not have the power to make corporate independent political expenditures; amending Minnesota Statutes 2010, section 302A.165; proposing coding for new law in Minnesota Statutes, chapter 302A.

Referred to the Committee on Judiciary and Public Safety.

Senators Bakk and Saxhaug introduced—

S.F. No. 2116: A bill for an act relating to state lands; authorizing public and private sales of certain tax-forfeited land in St. Louis County.

Referred to the Committee on Environment and Natural Resources.

Senators Brown, Thompson, DeKruif and Parry introduced—

S.F. No. 2117: A bill for an act relating to state government; establishing a Legislative

Commission on United Nations Agenda 21; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on State Government Innovation and Veterans.

Senators Tomassoni and Bakk introduced—

S.F. No. 2118: A bill for an act relating to local government; authorizing town boards to require sewer and water connections on certain property; amending Minnesota Statutes 2010, section 366.01, by adding a subdivision.

Referred to the Committee on Local Government and Elections.

Senators Hann, DeKruif, Thompson, Olson and Bonoff introduced—

S.F. No. 2119: A bill for an act relating to education finance; requiring 90 percent aid payments for charter schools in their first three years; amending Minnesota Statutes 2011 Supplement, section 124D.11, subdivision 9.

Referred to the Committee on Education.

Senators Kruse, Nienow and Benson introduced—

S.F. No. 2120: A bill for an act relating to human services; modifying county fees for licensing inspections; amending Minnesota Statutes 2010, section 245A.10, subdivision 2.

Referred to the Committee on Health and Human Services.

Senators Robling, Reinert, Parry, Metzen and Hann introduced—

S.F. No. 2121: A bill for an act relating to data practices; classifying data on unofficial fiscal notes; amending Minnesota Statutes 2010, section 13.64, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety.

Senator Vandever introduced—

S.F. No. 2122: A bill for an act relating to Anoka County; providing for powers and jurisdiction of the Anoka County Housing and Redevelopment Authority; amending Minnesota Statutes 2010, section 383E.17.

Referred to the Committee on Local Government and Elections.

Senators Wolf, Nienow and Benson introduced—

S.F. No. 2123: A bill for an act relating to human services; modifying child care support provisions; amending Minnesota Statutes 2010, section 518A.40, subdivision 4.

Referred to the Committee on Health and Human Services.

Senators Tomassoni and Bakk introduced—

S.F. No. 2124: A bill for an act relating to health; amending health professional education loan forgiveness program requirements; amending Laws 2011, First Special Session chapter 9, article 2, section 30.

Referred to the Committee on Health and Human Services.

Senator Ingebrigtsen introduced—

S.F. No. 2125: A bill for an act relating to public safety; firearms; authorizing federally licensed firearms importers, manufacturers, and dealers to possess and sell firearm silencers to authorized law enforcement and wildlife management agencies for certain authorized purposes; amending Minnesota Statutes 2011 Supplement, section 609.66, subdivision 1h.

Referred to the Committee on Judiciary and Public Safety.

Senators Marty and Goodwin introduced—

S.F. No. 2126: A bill for an act relating to charitable solicitations; regulating public disclosures of certain charitable organization salaries; amending Minnesota Statutes 2010, section 309.556, subdivision 1.

Referred to the Committee on Judiciary and Public Safety.

Senators Chamberlain, Hann and Wolf introduced—

S.F. No. 2127: A bill for an act relating to economic development; providing for a new privately owned National Football League stadium in Minnesota; authorizing the issuance of revenue bonds; phasing out statewide business property tax; amending Minnesota Statutes 2010, sections 275.025, subdivision 1; 297A.71, by adding a subdivision; Minnesota Statutes 2011 Supplement, section 340A.404, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 2010, section 275.025, subdivisions 2, 4.

Referred to the Committee on Local Government and Elections.

Senators Hann and Lourey introduced—

S.F. No. 2128: A bill for an act relating to health; allowing the electronic prescribing of controlled substances; amending Minnesota Statutes 2010, section 152.11.

Referred to the Committee on Health and Human Services.

Senator Senjem introduced—

S.F. No. 2129: A bill for an act relating to capital improvements; appropriating money for the restoration of Lake Zumbro in Olmsted and Wabasha Counties; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Nienow, Lourey, Hoffman, Benson and Higgins introduced—

S.F. No. 2130: A bill for an act relating to human services; classifying certain physician assistants as mental health professionals for purposes of medical assistance; amending Minnesota Statutes 2010, section 256B.0625, subdivision 42.

Referred to the Committee on Health and Human Services.

Senators Howe, Gimse, DeKruif and Reinert introduced—

S.F. No. 2131: A bill for an act relating to transportation; contracts; authorizing completion of design-build projects approved under pilot program; amending Laws 2009, chapter 36, article 3, sections 28, subdivision 2, by adding a subdivision; 29, subdivisions 2, 4, 7; repealing Laws 2009, chapter 36, article 3, section 28, subdivisions 1, 3, 4.

Referred to the Committee on Transportation.

Senators Bakk and Saxhaug introduced—

S.F. No. 2132: A bill for an act relating to state lands; providing for the public sale of certain tax-forfeited lands bordering public waters in Lake County.

Referred to the Committee on Environment and Natural Resources.

Senator Howe introduced—

S.F. No. 2133: A bill for an act relating to capital investment; appropriating money for the west fire station and training facility in the city of Red Wing; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Ingebrigtsen and Harrington introduced—

S.F. No. 2134: A bill for an act relating to public safety; providing for a domestic abuse no contact order as a criminal order; modifying when proceeding occurs; amending Minnesota Statutes 2010, section 629.75, subdivision 1.

Referred to the Committee on Judiciary and Public Safety.

Senator Ortman introduced—

S.F. No. 2135: A bill for an act relating to taxation; making policy, technical, administrative, and other changes to estate, property, sales and use, special, and various taxes and tax-related provisions; amending Minnesota Statutes 2010, sections 65B.84, subdivision 1; 270.077; 270C.38, subdivision 1; 270C.69, subdivision 1; 272.0211, subdivision 2; 272.03, subdivision 9; 273.372, subdivision 4; 287.20, subdivision 2; 297A.665; 297F.01, subdivision 23; 297G.04, subdivision 2; 297I.30, by adding a subdivision; Minnesota Statutes 2011 Supplement, sections 273.114, subdivision 6; 273.13, subdivisions 23, 25; 291.03, subdivisions 8, 9, 10, 11; 297I.05, subdivisions 7, 12; 297I.30, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 297I; repealing

Minnesota Statutes 2010, section 168A.40, subdivisions 3, 4.

Referred to the Committee on Taxes.

Senator Ortman introduced—

S.F. No. 2136: A bill for an act relating to taxation; making technical, administrative, and clarifying changes to individual income, corporate franchise, estate, property, sales and use, special, mineral, and various taxes and tax-related provisions; amending Minnesota Statutes 2010, sections 13.4965, subdivision 3; 16A.46; 270.41, subdivision 5; 270C.42, subdivision 2; 272.01, subdivision 2; 273.124, subdivision 13; 273.1315, subdivisions 1, 2; 273.19, subdivision 1; 273.39; 279.06, subdivision 1; 287.20, by adding a subdivision; 287.385, subdivision 7; 289A.02, by adding a subdivision; 289A.10, by adding a subdivision; 289A.12, by adding a subdivision; 289A.18, by adding a subdivision; 289A.20, subdivision 3, by adding a subdivision; 289A.26, subdivisions 3, 4, 7, 9; 289A.38, subdivisions 7, 8, 9; 289A.42, subdivision 2; 289A.55, subdivision 9; 289A.60, subdivisions 4, 24; 290.01, subdivisions 6b, 19d; 290.0921, subdivision 3; 290.095, subdivision 3; 290.17, subdivision 4; 290A.25; 290B.04, subdivision 2; 296A.22; 297E.14, subdivision 7; 297F.09, subdivision 9; 297F.18, subdivision 7; 297G.09, subdivision 8; 297G.17, subdivision 7; 297I.05, subdivision 11; 297I.80, subdivision 1; 298.018, subdivision 2; Minnesota Statutes 2011 Supplement, sections 270C.34, subdivision 1; 272.02, subdivision 97; 273.13, subdivision 23; 290.01, subdivisions 19b, 19c; 291.03, subdivision 11; 298.01, subdivision 3; 373.01, subdivision 1; Laws 2011, First Special Session chapter 7, article 10, section 7; repealing Minnesota Statutes 2010, sections 272.69; 273.11, subdivision 22.

Referred to the Committee on Taxes.

Senators Dahms, Gerlach, Sparks and Kruse introduced—

S.F. No. 2137: A bill for an act relating to insurance; regulating certain wealth-related claims practices; amending Minnesota Statutes 2010, sections 65A.29, subdivisions 8, 11; 326B.081, subdivision 3; Minnesota Statutes 2011 Supplement, section 325E.66, subdivisions 1, 2, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Senator Carlson introduced—

S.F. No. 2138: A bill for an act relating to capital improvements; appropriating money to establish the Northern Minnesota Veterans Home; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

MOTIONS AND RESOLUTIONS

Senator Bakk moved that the name of Senator Pogemiller be stricken as chief author and the name of Senator Dziejczak be added as chief author to S.F. No. 426. The motion prevailed.

Senator Dziejczak moved that the name of Senator Tomassoni be added as a co-author to S.F. No.

426. The motion prevailed.

Senator Sheran moved that the names of Senators Hann and Lourey be added as co-authors to S.F. No. 726. The motion prevailed.

Senator Goodwin moved that the name of Senator Dibble be added as a co-author to S.F. No. 1439. The motion prevailed.

Senator Benson moved that the name of Senator Rosen be added as a co-author to S.F. No. 1720. The motion prevailed.

Senator Sieben moved that the name of Senator Rest be added as a co-author to S.F. No. 2023. The motion prevailed.

Senator Stumpf moved that the name of Senator Wiger be added as a co-author to S.F. No. 2041. The motion prevailed.

Senator Lourey moved that the name of Senator Rest be added as a co-author to S.F. No. 2054. The motion prevailed.

Senator Senjem, for Senator Fischbach, moved that S.F. No. 1573 be withdrawn from the Committee on Capital Investment and re-referred to the Committee on Higher Education. The motion prevailed.

Senator Carlson moved that S.F. No. 1673 be withdrawn from the Committee on Jobs and Economic Growth and re-referred to the Committee on Local Government and Elections. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Senator Senjem moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

H.F. No. 1926: A bill for an act relating to agriculture; providing for voluntary certification of good manufacturing practices for commercial feed and feed ingredients; authorizing fees for voluntary certification; modifying rule provisions relating to animal feed; appropriating money; amending Minnesota Statutes 2010, section 25.40, subdivisions 1, 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 25; repealing Minnesota Rules, parts 1510.2220; 1510.2230.

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 60 and nays 1, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|----------|-----------|------------|--------------|
| Bakk | Cohen | Eaton | Hann | Ingebrigtsen |
| Benson | Dahms | Fischbach | Harrington | Jungbauer |
| Bonoff | Daley | Gazelka | Hayden | Kelash |
| Brown | DeKruif | Gerlach | Higgins | Koch |
| Carlson | Dibble | Gimse | Hoffman | Kruse |
| Chamberlain | Dziedzic | Hall | Howe | Kubly |

| | | | | |
|----------|---------|----------|---------|------------|
| Langseth | Marty | Newman | Reinert | Stumpf |
| Latz | McGuire | Olson | Robling | Thompson |
| Lillie | Metzen | Ortman | Rosen | Tomassoni |
| Limmer | Michel | Pappas | Saxhaug | Torres Ray |
| Lourey | Miller | Parry | Senjem | Wiger |
| Magnus | Nelson | Pederson | Sieben | Wolf |

Those who voted in the negative were:

Vandev eer

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Senjem moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 1585: A bill for an act relating to education; reducing time period for good faith effort required before asking the Minnesota State High School League to arrange an interscholastic conference membership; amending Minnesota Statutes 2010, section 128C.07, subdivision 3.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|----------|----------|------------|
| Bakk | Fischbach | Kelash | Michel | Senjem |
| Benson | Gazelka | Koch | Miller | Sieben |
| Bonoff | Gerlach | Kruse | Nelson | Stumpf |
| Brown | Gimse | Kubly | Newman | Thompson |
| Carlson | Hall | Langseth | Olson | Tomassoni |
| Chamberlain | Hann | Latz | Ortman | Torres Ray |
| Cohen | Harrington | Lillie | Pappas | Vandev eer |
| Dahms | Hayden | Limmer | Parry | Wiger |
| Daley | Higgins | Lourey | Pederson | Wolf |
| DeKruif | Hoffman | Magnus | Reinert | |
| Dibble | Howe | Marty | Robling | |
| Dziedzic | Ingebrigtsen | McGuire | Rosen | |
| Eaton | Jungbauer | Metzen | Saxhaug | |

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Chamberlain moved that S.F. No. 1613 be withdrawn from the Committee on Judiciary and Public Safety and re-referred to the Committee on Transportation. The motion prevailed.

Pursuant to Rule 26, Senator Senjem, Chair of the Committee on Rules and Administration, designated H.F. No. 1870 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1870: A bill for an act relating to education; allowing school districts to base unrequested leave of absence and certain discharge and demotion decisions on teacher evaluation outcomes; amending Minnesota Statutes 2010, sections 122A.40, subdivisions 10, 11, 19; 122A.41, subdivisions 14, 15; 123A.75, subdivision 1; Minnesota Statutes 2011 Supplement, sections 122A.245, subdivision 1; 122A.41, subdivision 6.

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 36 and nays 26, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|-----------|----------|------------|
| Benson | Gazelka | Jungbauer | Nelson | Senjem |
| Bonoff | Gerlach | Koch | Newman | Thompson |
| Carlson | Gimse | Kruse | Olson | Vanderveer |
| Chamberlain | Hall | Lillie | Ortman | Wolf |
| Dahms | Hann | Limmer | Parry | |
| Daley | Hoffman | Magnus | Pederson | |
| DeKruif | Howe | Michel | Robling | |
| Fischbach | Ingebrigtsen | Miller | Rosen | |

Those who voted in the negative were:

| | | | | |
|----------|------------|----------|-----------|------------|
| Bakk | Goodwin | Langseth | Pappas | Torres Ray |
| Brown | Harrington | Latz | Reinert | Wiger |
| Cohen | Hayden | Lourey | Saxhaug | |
| Dibble | Higgins | Marty | Sieben | |
| Dziedzic | Kelash | McGuire | Stumpf | |
| Eaton | Kubly | Metzen | Tomassoni | |

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Senators Nienow, Rest, Sheran, Skoe and Sparks were excused from the Session of today. Senator Goodwin was excused from the Session of today from 11:00 to 11:35 a.m.

ADJOURNMENT

Senator Senjem moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 1, 2012. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate