

NINETY-THIRD DAY

St. Paul, Minnesota, Monday, March 26, 2012

The Senate met at 12:00 noon 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. Phil Shaw.

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. Tom Mullon.

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

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

The President declared a quorum present.

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

REPORTS OF COMMITTEES

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

Senator Senjem, from the Committee on Rules and Administration, to which was referred H.F. No. 2333 for comparison with companion Senate File, reports the following House File

was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2333	1870				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2333 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2333, the first engrossment; and insert the language after the enacting clause of S.F. No. 1870, the first engrossment; further, delete the title of H.F. No. 2333, the first engrossment; and insert the title of S.F. No. 1870, the first engrossment.

And when so amended H.F. No. 2333 will be identical to S.F. No. 1870, and further recommends that H.F. No. 2333 be given its second reading and substituted for S.F. No. 1870, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. No. 2333 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Robling and Cohen introduced—

S.F. No. 2558: A bill for an act relating to state government; updating the equalizing factors and threshold rates to reflect the changed adjusted net tax capacity tax base; updating education and human services appropriations for changes reflected in the February forecast; amending Minnesota Statutes 2010, sections 123B.53, subdivisions 4, 5; 123B.591, subdivision 3; 124D.20, subdivision 5; 124D.22, subdivision 3; 126C.10, subdivisions 13a, 35; 126C.41, subdivision 5; 126C.63, subdivision 8; 126C.69, subdivisions 2, 9; Minnesota Statutes 2011 Supplement, sections 123B.54; 123B.57, subdivision 4; Laws 2011, First Special Session chapter 11, article 1, section 36, subdivisions 2, 3, 4, 5, 6, 7, 10; article 2, section 50, subdivisions 2, 3, 4, 5, 6, 7, 9; article 3, section 11, subdivisions 2, 3, 4, 5; article 4, section 10, subdivisions 2, 3, 4, 6; article 5, section 12, subdivisions 2, 3, 4; article 6, section 2, subdivisions 2, 3, 5; article 7, section 2, subdivisions 2, 3, 4; article 8, section 2, subdivisions 2, 3; article 9, section 3, subdivision 2.

Referred to the Committee on Finance.

Senator Lillie introduced—

S.F. No. 2559: A bill for an act relating to capital investment; appropriating money for the

Gateway (I-94 East) Corridor; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Lillie introduced—

S.F. No. 2560: A bill for an act relating to transportation; municipal state-aid street fund; governing eligibility and apportionment; amending Minnesota Statutes 2010, section 162.09, by adding a subdivision.

Referred to the Committee on Transportation.

Senator Lillie introduced—

S.F. No. 2561: A bill for an act relating to transportation; appropriating money for city costs of St. Croix River bridge project; authorizing the sale and issuance of state bonds.

Referred to the Committee on Transportation.

Senators Torres Ray, Hayden, Kelash, Rest and Saxhaug introduced—

S.F. No. 2562: A bill for an act relating to capital investment; appropriating money for acquisition of school trust land by the Department of Natural Resources; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Torres Ray, Metzen, Hayden, Rest and Dzedzic introduced—

S.F. No. 2563: A bill for an act relating to food safety; requiring labeling of genetically engineered food; providing criminal penalties; amending Minnesota Statutes 2010, section 31.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 31.

Referred to the Committee on Agriculture and Rural Economies.

Senators Torres Ray, Sieben, Hayden and Kelash introduced—

S.F. No. 2564: A bill for an act relating to education; requiring the Department of Education to also report PSEO data to the legislature; amending Minnesota Statutes 2010, section 120B.13, subdivision 4.

Referred to the Committee on Education.

MOTIONS AND RESOLUTIONS

Senator Parry moved that the name of Senator Ingebrigtsen be added as a co-author to S.F. No. 2226. The motion prevailed.

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

2476. The motion prevailed.

Senator Higgins moved that the name of Senator Dziejdzic be added as a co-author to S.F. No. 2547. The motion prevailed.

Senator Sparks moved that the names of Senators Higgins, Reinert and Harrington be added as co-authors to S.F. No. 2551. The motion prevailed.

RECESS

Senator Senjem moved that the Senate do now recess until 1:15 p.m. The motion prevailed.

The hour of 1:15 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

SPECIAL ORDERS

Pursuant to Rule 26, Senator Senjem, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. No. 2213, H.F. No. 2376, S.F. Nos. 2088, 2535, H.F. Nos. 2078, 2083, S.F. No. 2183, H.F. No. 1524 and S.F. No. 2409.

SPECIAL ORDER

S.F. No. 2213: A bill for an act relating to education; modifying certain principal evaluation provisions; amending Minnesota Statutes 2011 Supplement, section 123B.147, 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 55 and nays 6, as follows:

Those who voted in the affirmative were:

Benson	Gimse	Langseth	Newman	Senjem
Bonoff	Goodwin	Latz	Nienow	Sheran
Carlson	Hall	Lillie	Olson	Sieben
Chamberlain	Hann	Limmer	Ortman	Skoe
Cohen	Hoffman	Lourey	Parry	Sparks
Dahms	Howe	Magnus	Pederson	Stumpf
Daley	Ingebrigtsen	McGuire	Reinert	Thompson
DeKruif	Jungbauer	Metzen	Rest	Torres Ray
Dibble	Kelash	Michel	Robling	Vandever
Gazelka	Koch	Miller	Rosen	Wiger
Gerlach	Kruse	Nelson	Saxhaug	Wolf

Those who voted in the negative were:

Bakk	Eaton	Harrington	Marty	Pappas
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Tomassoni

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2376: A bill for an act relating to education finance; simplifying the approval process for food service equipment purchased from the food service fund; amending Minnesota Statutes 2010, section 124D.111, 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	Gimse	Latz	Olson	Skoe
Benson	Goodwin	Lillie	Ortman	Sparks
Bonoff	Hall	Limmer	Pappas	Stumpf
Carlson	Hann	Lourey	Parry	Thompson
Chamberlain	Harrington	Magnus	Pederson	Tomassoni
Cohen	Hoffman	Marty	Reinert	Torres Ray
Dahms	Howe	McGuire	Rest	Vandever
Daley	Ingebrigtsen	Metzen	Robling	Wiger
DeKruif	Jungbauer	Michel	Rosen	Wolf
Dibble	Kelash	Miller	Saxhaug	
Eaton	Koch	Nelson	Senjem	
Gazelka	Kruse	Newman	Sheran	
Gerlach	Langseth	Nienow	Sieben	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

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 47 and nays 15, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Cohen	Goodwin	Kelash	Pappas	Sieben
Dibble	Harrington	Marty	Reinert	Torres Ray
Eaton	Hayden	McGuire	Sheran	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2535: A bill for an act relating to education; modifying certain Board of School Administrators provisions; amending Minnesota Statutes 2010, section 122A.14, subdivisions 2, 9.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2078: A bill for an act relating to education finance; expanding use of nonpublic pupil textbook aid; amending Minnesota Statutes 2010, sections 123B.41, by adding a subdivision; 123B.42; 123B.43; Minnesota Statutes 2011 Supplement, section 123B.41, subdivision 2.

Senator Kruse moved to amend H.F. No. 2078, as amended pursuant to Rule 45, adopted by the Senate March 20, 2012, as follows:

(The text of the amended House File is identical to S.F. No. 1990.)

Page 3, line 26, delete "and" and insert "or"

Page 3, line 27, delete the first comma

Page 4, line 2, delete the period and insert a comma

Page 4, line 3, delete "and" and insert "or" and delete the second comma

The motion prevailed. So the amendment was adopted.

H.F. No. 2078 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 56 and nays 6, as follows:

Those who voted in the affirmative were:

Bakk	Gimse	Latz	Olson	Skoe
Benson	Hall	Lillie	Ortman	Sparks
Bonoff	Hann	Limmer	Pappas	Stumpf
Carlson	Harrington	Lourey	Parry	Thompson
Chamberlain	Hayden	Magnus	Pederson	Tomassoni
Cohen	Hoffman	McGuire	Reinert	Vanderveer
Dahms	Howe	Metzen	Robling	Wiger
Daley	Ingebrigtsen	Michel	Rosen	Wolf
DeKruif	Jungbauer	Miller	Saxhaug	
Dibble	Koch	Nelson	Senjem	
Gazelka	Kruse	Newman	Sheran	
Gerlach	Langseth	Nienow	Sieben	

Those who voted in the negative were:

Eaton	Kelash	Rest
Goodwin	Marty	Torres Ray

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

SPECIAL ORDER

H.F. No. 2083: A bill for an act relating to education; providing funding and modifying certain early, adult, and kindergarten through grade 12 education provisions, including general education, education excellence, special programs, facilities and technology, nutrition and accounting, libraries, and prevention; providing education forecast adjustments; appropriating money; amending Minnesota Statutes 2010, sections 122A.40, subdivisions 10, 11, 13, 19; 122A.41, subdivisions 14, 15; 123A.75, subdivision 1; 123B.41, by adding a subdivision; 123B.42; 123B.43; 124D.111, subdivision 3; 124D.518, subdivision 3, by adding a subdivision; 124D.531, by adding a subdivision; 126C.10, subdivision 28; Minnesota Statutes 2011 Supplement, sections 122A.245, subdivision 1; 122A.41, subdivision 6; 123B.41, subdivision 2; 124D.11, subdivision 9; 127A.33; 127A.45, subdivision 2; Laws 2011, First Special Session chapter 11, article 1, section 36, subdivisions 2, 3, 4, 5, 6, 7, 10; article 2, section 50, subdivisions 2, 3, 4, 5, 6, 7, 9; article 3, section 11, subdivisions 2, 3, 4, 5, 6; article 4, section 10, subdivisions 2, 3, 4, 6; article 5, section 12, subdivisions 2, 3, 4; article 6, section 2, subdivisions 2, 3, 5; article 7, section 2, subdivisions 2, 3, 4; article 8, section 2, subdivisions 2, 3; article 9, section 3, subdivision 2; repealing Minnesota Statutes 2010, sections 124D.135, subdivisions 8, 9; 124D.16, subdivisions 6, 7; 124D.20, subdivisions 11, 12.

Senator Olson moved to amend H.F. No. 2083, the unofficial engrossment, as follows:

Page 2, line 10, delete "\$22,090,000" and insert "\$22,402,000" and delete "\$24,218,000" and insert "\$24,539,000"

The motion prevailed. So the amendment was adopted.

H.F. No. 2083 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 35 and nays 29, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk	Goodwin	Latz	Reinert	Sparks
Bonoff	Harrington	Lourey	Rest	Stumpf
Cohen	Hayden	Marty	Saxhaug	Tomassoni
Dibble	Higgins	McGuire	Sheran	Torres Ray
Dziedzic	Kelash	Metzen	Sieben	Wiger
Eaton	Langseth	Pappas	Skoe	

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

SPECIAL ORDER

S.F. No. 2183: A bill for an act relating to education; prohibiting the commissioner of education from enforcing unadopted rules; amending Minnesota Statutes 2010, section 127A.05, subdivision 4.

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 37 and nays 27, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk	Harrington	Lourey	Rest	Tomassoni
Cohen	Hayden	Marty	Saxhaug	Torres Ray
Dibble	Higgins	McGuire	Sheran	Wiger
Dziedzic	Kelash	Metzen	Sieben	
Eaton	Langseth	Pappas	Sparks	
Goodwin	Latz	Reinert	Stumpf	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1524: A bill for an act relating to education; clarifying continuing education requirements for substitute principals; amending Minnesota Statutes 2010, section 122A.14, 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 60 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Eaton	Skoe	Tomassoni
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So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2409: A bill for an act relating to education; clarifying the definition of public data relating to agreements involving payment of public money; amending Minnesota Statutes 2010, section 13.43, subdivision 2.

Senator Hall moved that S.F. No. 2409 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2738:

H.F. No. 2738: 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; allowing provisional balloting for voters unable to present photographic identification.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Kiffmeyer; Anderson, S.; Benson, M.; Downey and Drazkowski have been appointed as such committee on the part of the House.

House File No. 2738 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 26, 2012

Senator Newman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2738, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

RECESS

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

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

APPOINTMENTS

Senator Senjem from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2738: Senators Newman, Limmer, Thompson, Daley and Lillie.

Senator Senjem moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Gazelka moved that S.F. No. 2478, No. 121 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Olson moved that H.F. No. 873, No. 2 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Senators Brown and Fischbach were excused from the Session of today. Senator Hoffman was excused from the Session of today from 12:00 noon to 1:30 p.m. Senator Hayden was excused from the Session of today from 1:15 to 2:00 p.m. Senators Dziedzic and Higgins were excused from the Session of today from 1:15 to 2:50 p.m. Senator Lourey was excused from the Session of today at 3:10 p.m.

ADJOURNMENT

Senator Senjem moved that the Senate do now adjourn until 11:00 a.m., Tuesday, March 27, 2012. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

