

FOURTH DAY

St. Paul, Minnesota, Thursday, January 17, 2013

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

CALL OF THE SENATE

Senator Sieben 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. Kevin McDonough.

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	Eaton	Kent	Pappas	Skoe
Bakk	Eken	Kiffmeyer	Pederson, J.	Sparks
Benson	Fischbach	Koenen	Petersen, B.	Stumpf
Bonoff	Franzen	Latz	Pratt	Thompson
Brown	Gazelka	Limmer	Reinert	Tomassoni
Carlson	Goodwin	Lourey	Rest	Torres Ray
Chamberlain	Hann	Marty	Rosen	Weber
Champion	Hawj	Metzen	Ruud	Westrom
Clausen	Hayden	Miller	Saxhaug	Wiger
Cohen	Hoffman	Nelson	Scalze	Wiklund
Dahle	Housley	Newman	Schmit	
Dahms	Ingebrigtsen	Nienow	Senjem	
Dibble	Jensen	Ortman	Sheran	
Dziedzic	Johnson	Osmek	Sieben	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

January 8, 2013

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

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

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Kate Knuth, 2347 - 14th Ter. N.W., New Brighton, in the county of Ramsey, effective Monday, January 14, 2013, to complete a term expiring on January 5, 2015.

(Referred to the Committee on Environment and Energy.)

Sincerely,
Mark Dayton, Governor

January 10, 2013

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

As the Senate Majority Leader, I am hereby making the following appointments:

Pursuant to Minnesota Statutes 2012

3.8842: Legislative Commission on Minnesota Sports Facilities - Senators Sheran, Reinert and Champion to serve at the pleasure of the appointing authority.

Pursuant to Minnesota Session Laws 2011

1st Special Session, chapter 6, article 4, section 3: State Capitol Preservation Commission - Senators Bakk and Rest to serve at the pleasure of the appointing authority.

Sincerely,
Thomas M. Bakk
Senate Majority Leader
State Senator, District 3

January 14, 2013

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

The Committee on Rules and Administration met on January 14, 2013, and by appropriate action made the following appointments:

Pursuant to Senate Rules

Senate Rule 11: Subcommittee on Committees - Senators Bakk, Cohen, Fischbach, Hann, Metzen, Pappas and Stumpf.

Sincerely,
Thomas M. Bakk
Chair, Committee on Rules and Administration
State Senator, District 3

January 14, 2013

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

The Subcommittee on Committees met on January 14, 2013, and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 2012

1.21 - 1.22: Great Lakes Commission - Senators Rest and Rudd to serve at the pleasure of the appointing authority.

3.85: Legislative Commission on Pensions and Retirement - Senators Pappas, Goodwin, Johnson, Saxhaug, Hayden, Rosen and Thompson to serve until January 16, 2015.

3.855: LCC Subcommittee on Employee Relations - Senators Eaton, Metzen, Saxhaug, Chamberlain and Benson to serve until January 1, 2015.

3.9223: Council on Affairs of Chicano/Latino People - Senators Torres Ray and Petersen, B. to serve at the pleasure of the appointing authority.

3.97: Legislative Audit Commission - Senators Metzen, Rest and Reinert to serve at the pleasure of the appointing authority.

97A.056: Lessard-Sams Outdoor Heritage Council - Senators Saxhaug and Ingebrigsten to serve at the pleasure of the appointing authority; Mr. Bob Anderson to serve until the first Monday in January 2017.

124D.141: State Advisory Council on Early Childhood Education and Care - Senators Torres Ray and Nienow to serve at the pleasure of the appointing authority.

175.007: Advisory Council on Workers' Compensation - Senators Sparks and Pederson, J. to serve at the pleasure of the appointing authority.

Sincerely,
Thomas M. Bakk
Chair, Subcommittee on Committees
State Senator, District 3

REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Report at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

Senator Pappas from the Committee on State and Local Government, to which was referred

S.F. No. 1: A bill for an act relating to commerce; establishing the Minnesota Insurance Marketplace; prescribing its powers and duties; providing for legislative appointments; appropriating money; amending Minnesota Statutes 2012, section 13.7191, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 62V.

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

Page 2, line 24, before "and" insert "reduction of health disparities,"

Page 3, line 4, after "10A.07" insert ". Board members"

Page 3, line 14, after "(d)" insert "Except as specified in section 62V.05, subdivision 9,"

Page 3, line 15, delete the colon and insert "chapter 14, including section 14.386. To set fees identified in section 62V.05, subdivisions 2 and 3, the board is exempt from section 16A.1283."

Page 3, delete lines 16 to 30

Page 4, line 1, after "members" insert "appointed by the governor and confirmed by the senate"

Page 4, line 4, delete "three-year" and insert "four-year"

Page 4, line 5, delete everything after "determination" and insert a semicolon

Page 4, delete lines 6 to 8

Page 4, line 9, after "members" insert "appointed by the governor and confirmed by the senate,"

Page 4, line 10, delete everything after the colon and insert "one member representing the areas of health administration, health care finance, health plan purchasing, and health care delivery systems; one member representing the areas of public health, health disparities, public health care programs, and the uninsured; and one member representing health policy issues related to the small group and individual markets."

Page 4, delete lines 11 and 12

Page 4, line 13, delete "the uninsured." and delete "three-year" and insert "four-year"

Page 4, line 14, delete ". Each of the following shall appoint one member:" and insert a semicolon

Page 4, delete lines 15 to 17

Page 4, line 18, delete the period and insert "; and"

Page 4, after line 18, insert:

"(4) the governor shall make appointments to the board that are consistent with federal law and regulations regarding its composition and structure."

Page 4, line 28, delete everything after the period

Page 4, delete lines 29 and 30

Page 4, line 31, delete "(a)"

Page 5, delete line 1

Page 5, line 10, delete ", appointment by the entity" and insert "that was appointed by the governor, the governor shall appoint a new member within 90 days to serve the remainder of the term."

Page 5, delete lines 11 and 12

Page 5, delete subdivision 12 and insert:

"Subd. 12. **Compensation.** The board members shall be paid a salary not to exceed the salary limits established under section 15A.0815, subdivision 4. The salary for board members shall be set in accordance with this subdivision and section 15A.0815, subdivision 5."

Page 6, line 3, after the first comma, insert "subdivision 3,"

Page 6, delete lines 16 and 17

Page 6, line 18, delete "(d)" and insert "(c)"

Page 6, after line 28, insert:

"(c) Funds collected for the operations of the Minnesota Insurance Marketplace under this subdivision shall cover any compensation provided to navigators participating in the navigator program."

Page 7, line 24, delete "fulfilled through" and insert "met by"

Page 7, line 25, delete everything after "navigators"

Page 7, line 26, delete everything before "may"

Page 7, line 28, after "the" insert "navigator program and the"

Page 7, line 29, after "for" insert "navigators and"

Page 9, after line 18, insert:

"Subd. 8. **Rulemaking in first year.** (a) For a period of one year following enactment, the Minnesota Insurance Marketplace may adopt rules to implement any provisions of this chapter following the process in this subdivision.

(b) The Minnesota Insurance Marketplace shall publish proposed rules in the State Register.

(c) Interested parties have 21 days after publication to comment on the proposed rules. After the Minnesota Insurance Marketplace has considered all comments, the Minnesota Insurance Marketplace shall publish notice in the State Register that the rules have been adopted and the rules shall take effect on publication.

(d) If the adopted rules are the same as the proposed rules, the notice shall state that the rules have been adopted as proposed and shall cite the prior publication. If the adopted rules differ from

the proposed rules, the portions of the adopted rules that differ from the proposed rules shall be included in the notice of adoption, together with a citation to the prior State Register that contained the notice of the proposed rules.

(e) The Minnesota Insurance Marketplace shall seek comments from the Department of Administration, Public Information Policy Analysis Division, before adopting any final rules involving the use or disclosure of not public data.

(f) By October 1, 2013, by January 15, 2014, and by May 1, 2014, the board shall submit a report to the majority leader of the senate, the speaker of the house of representatives, and the chairs of the committees in the senate and the house of representatives with primary jurisdiction over commerce, that lists and describes all rules promulgated under this subdivision.

Subd. 9. **Rulemaking after the first year.** Beginning one year after enactment, the board may adopt rules to implement any provisions in this chapter using the expedited rulemaking process in section 14.389."

Page 10, delete section 10 and insert:

"Sec. 10. **[62V.09] EXPIRATION AND SUNSET EXCLUSION.**

Notwithstanding section 15.059, the board and its advisory committees shall not expire. The board and its advisory committees are not subject to review or sunseting under chapter 3D. Advisory committees established by the board shall not expire except by action of the board."

Page 10, line 17, delete "(d)" and insert "(c)" and after the period, insert "In exercising these authorities and responsibilities of the board, the commissioner of management and budget shall be subject to or exempted from the same statutory provisions as the board, as identified in Minnesota Statutes, section 62V.03, subdivision 2."

Page 10, line 20, delete "(d)" and insert "(c)"

Page 10, line 26, delete "INSURANCE" and insert "ASSOCIATION"

Page 10, lines 29 and 31, delete "Insurance"

Page 10, line 32, after the period, insert "The member assessments established under Minnesota Statutes, section 62E.11, shall take into consideration any phase out of coverage implemented under this section."

Amend the title as follows:

Page 1, line 3, delete "providing for legislative appointments" and insert "authorizing rulemaking"

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

Senator Cohen from the Committee on Finance, to which was referred the following appointment:

DEPARTMENT OF MANAGEMENT AND BUDGET
COMMISSIONER
James D. Schowalter

Reports the same back with the recommendation that the appointment be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Bonoff from the Committee on Higher Education and Workforce Development, to which was referred the following appointment:

MINNESOTA OFFICE OF HIGHER EDUCATION
DIRECTOR
Lawrence J. Pogemiller

Reports the same back with the recommendation that the appointment be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Hoffman, Johnson, Champion, Eaton and Marty introduced—

S.F. No. 38: A bill for an act relating to education finance; increasing the state reimbursement for reduced-price school lunch meals; appropriating money; amending Minnesota Statutes 2012, section 124D.111, subdivision 1.

Referred to the Committee on Finance.

Senators Rosen, Lourey and Eken introduced—

S.F. No. 39: A bill for an act relating to health; requiring continuing education hours for certification as a community paramedic; amending Minnesota Statutes 2012, section 144E.28, subdivision 9.

Referred to the Committee on Health, Human Services and Housing.

Senator Gazelka introduced—

S.F. No. 40: A bill for an act relating to taxation; estate; conforming to federal exemption amount; amending Minnesota Statutes 2012, sections 291.005, subdivision 1; 291.03, subdivision 1; repealing Minnesota Statutes 2012, section 291.03, subdivisions 8, 9, 10, 11.

Referred to the Committee on Taxes.

Senators Dibble, Latz, Sheran, Cohen and Dziedzic introduced—

S.F. No. 41: A bill for an act relating to courts; prohibiting exclusion from jury service on the basis of marital status or sexual orientation; amending Minnesota Statutes 2012, section 593.32, subdivision 1.

Referred to the Committee on Judiciary.

Senators Dziedzic, Saxhaug, Bonoff and Sparks introduced—

S.F. No. 42: A bill for an act relating to education; postsecondary; transferring money to Minnesota state colleges and universities for scholarships for the community paramedic program.

Referred to the Committee on Finance.

Senator Limmer introduced—

S.F. No. 43: A bill for an act relating to data practices; classifying political subdivision data on notice requests; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Senators Goodwin and Eaton introduced—

S.F. No. 44: A bill for an act relating to health records; decreasing the cost a provider may charge a patient for copying records; amending Minnesota Statutes 2012, section 144.292, subdivision 6.

Referred to the Committee on Health, Human Services and Housing.

Senator Goodwin introduced—

S.F. No. 45: A bill for an act relating to family law; modifying provisions governing grandparent visitation; amending Minnesota Statutes 2012, section 257C.08, subdivisions 2, 3; repealing Minnesota Statutes 2012, section 257C.08, subdivision 7.

Referred to the Committee on Judiciary.

Senator Goodwin introduced—

S.F. No. 46: A bill for an act relating to public safety; eliminating the right of violent felons to petition the court to have their ability to possess a firearm restored; amending Minnesota Statutes 2012, sections 242.31, subdivision 2a; 260B.245, subdivision 1; 609.165, subdivisions 1a, 1b; 609A.03, subdivision 5a; 609B.611; 624.713, subdivision 2; repealing Minnesota Statutes 2012, section 609.165, subdivision 1d.

Referred to the Committee on Judiciary.

Senator Goodwin introduced—

S.F. No. 47: A bill for an act relating to health; prohibiting smoking in theatrical productions; amending Minnesota Statutes 2012, sections 144.413, subdivision 2; 144.414, subdivision 1; repealing Minnesota Statutes 2012, section 144.4167, subdivision 9.

Referred to the Committee on Health, Human Services and Housing.

Senators Wiger, Kent, Bakk, Rest and Skoe introduced—

S.F. No. 48: A bill for an act relating to the city of Oakdale; providing special rules for certain tax increment financing districts; amending Laws 2008, chapter 366, article 5, section 34, as amended; Laws 2010, chapter 216, section 55.

Referred to the Committee on Taxes.

Senator Reinert introduced—

S.F. No. 49: A resolution requesting that Congress propose a constitutional amendment and, if Congress does not propose an amendment, applying to Congress to call a constitutional convention to propose an amendment clarifying that the rights protected under the Constitution are the rights of natural persons and not the rights of artificial entities and that spending money to influence elections is not speech under the First Amendment.

Referred to the Committee on Judiciary.

Senators Bakk and Tomassoni introduced—

S.F. No. 50: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land.

Referred to the Committee on Environment and Energy.

Senator Gazelka introduced—

S.F. No. 51: A bill for an act relating to motor vehicles; permitting issuance of disability license plates to spouses of eligible individuals; amending Minnesota Statutes 2012, section 168.021, subdivision 1.

Referred to the Committee on Transportation and Public Safety.

Senator Koenen introduced—

S.F. No. 52: A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for a veterans home in Montevideo.

Referred to the Committee on Finance.

Senator Reinert introduced—

S.F. No. 53: A bill for an act relating to taxes; creating a Tax Expenditure Advisory Commission; providing for review and sunset of tax expenditures; proposing coding for new law as Minnesota Statutes, chapter 290D.

Referred to the Committee on State and Local Government.

Senators Dibble and Tomassoni introduced—

S.F. No. 54: A bill for an act relating to economic development; appropriating money for the Minnesota investment fund.

Referred to the Committee on Finance.

Senators Chamberlain, Gazelka and Reinert introduced—

S.F. No. 55: A bill for an act relating to veterans; appropriating money for a grant to the Minnesota Assistance Council for Veterans for continued outreach to homeless veterans and those in danger of homelessness in Minnesota.

Referred to the Committee on Finance.

Senators Saxhaug, Ingebrigtsen and Tomassoni introduced—

S.F. No. 56: A bill for an act relating to natural resources; appropriating money from the outdoor heritage fund.

Referred to the Committee on Finance.

Senator Saxhaug introduced—

S.F. No. 57: A bill for an act relating to natural resources; allowing the sale of state nursery plant stock to soil and water conservation districts; amending Laws 2011, First Special Session chapter 2, article 4, section 30.

Referred to the Committee on Environment and Energy.

Senators Eaton, Bakk, Saxhaug, Hoffman and Metzen introduced—

S.F. No. 58: A bill for an act relating to state government; ratifying labor agreements and compensation plans.

Referred to the Committee on State and Local Government.

Senators Scalze, Chamberlain and Goodwin introduced—

S.F. No. 59: A bill for an act relating to economic development; appropriating money for transportation infrastructure in Ramsey County.

Referred to the Committee on Finance.

Senators Scalze, Pappas, Sieben and Chamberlain introduced—

S.F. No. 60: A bill for an act relating to data practices; classifying certain contact information; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Senators Scalze, Chamberlain, Kent and Goodwin introduced–

S.F. No. 61: A bill for an act relating to transportation; appropriating money for the I-694 and Rice Street interchange.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Wiger moved that the name of Senator Koenen be added as a co-author to S.F. No. 21. The motion prevailed.

Senator Anderson moved that the names of Senators Kiffmeyer and Nelson be added as co-authors to S.F. No. 31. The motion prevailed.

Senator Gazelka moved that the names of Senators Kiffmeyer and Nelson be added as co-authors to S.F. No. 32. The motion prevailed.

Senator Anderson introduced–

Senate Resolution No. 25: A Senate resolution congratulating Joshua M. Tracy for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Sieben introduced –

Senate Resolution No. 26: A Senate resolution congratulating McKenna Porath for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Housley, Metzen, Tomassoni and Dzedzic introduced –

Senate Resolution No. 27: A Senate resolution honoring the Minnesotan contingent of the world champion U.S. junior ice hockey team.

Referred to the Committee on Rules and Administration.

Senators Brown, Gazelka, Benson and Nienow introduced –

Senate Resolution No. 28: A Senate resolution recognizing the first Thursday in May as a day of statewide prayer, fasting, and repentance.

Referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Senator Hall was excused from the Session of today.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 12:00 noon, Tuesday, January 22, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate