

FORTY-FIRST DAY

St. Paul, Minnesota, Monday, April 22, 2013

The Senate met at 12:00 noon 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 Rev. Donna Buell and Rev. Marty Rath.

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

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 1589:** A bill for an act relating to the operation of state government finance; allowing the secretary of state authority to accept funds from local government units for election systems enhancements and to receive certain funds for the address confidentiality program; allowing the

state auditor to charge a onetime user fee for a small city and town accounting system software; changing provisions for bid solicitations and proposals; changing certain provisions for service contracts and the solicitation process; requiring a determination of the IT cost for agency technology projects; expanding E-Government initiative and establishing the E-Government Advisory Council; changing certain audit provisions from the state auditor to the legislative auditor; repealing the Minnesota Sunset Act; changing provisions for barbering and cosmetology; changing licensing provisions for accountants; changing a paid military leave provision; modifying provisions in the Veterans Service Office grant program; changing provision in the Minnesota GI Bill program; establishing a veterans home in Beltrami County; making Department of Revenue changes; making compensation council changes and requiring a compensation study; adjusting certain salary groups; establishing administrative penalties; establishing fees; appropriating money; amending Minnesota Statutes 2012, sections 3.099, subdivision 1; 3.855, subdivision 3; 13.591, subdivision 3; 15A.0815, subdivisions 1, 2, 3, 5; 15A.082, subdivision 2; 16A.82; 16C.02, subdivision 13; 16C.06, subdivision 2; 16C.09; 16C.10, subdivision 6; 16C.145; 16C.33, subdivision 3; 16C.34, subdivision 1; 16E.07, by adding a subdivision; 32C.04; 43A.17, subdivisions 1, 3; 65B.84, subdivision 1; 154.001, by adding a subdivision; 154.003; 154.02; 154.05; 154.06; 154.065, subdivision 2; 154.07, subdivision 1; 154.08; 154.09; 154.10, subdivision 1; 154.11, subdivision 1; 154.12; 154.14; 154.15, subdivision 2; 154.26; 155A.23, subdivision 3; 155A.25, subdivisions 1a, 4; 155A.27, subdivisions 4, 7, 10; 155A.29, subdivision 2; 155A.30, subdivision 1, by adding subdivisions; 192.26; 197.608, subdivisions 1, 3, 4, 5, 6; 197.791, subdivisions 4, 5; 254A.035, subdivision 2; 254A.04; 256B.093, subdivision 1; 260.835, subdivision 2; 270C.69, subdivision 1; 289A.20, subdivisions 2, 4; 289A.26, subdivision 2a; 295.55, subdivision 4; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 326A.04, subdivisions 2, 3, 5, 7; 326A.10; 469.3201; 473.843, subdivision 3; Laws 2012, chapter 278, article 1, section 5; article 2, sections 27; 34; proposing coding for new law in Minnesota Statutes, chapters 4; 5; 5B; 6; 16E; 154; 155A; 198; 297I; repealing Minnesota Statutes 2012, sections 3D.01; 3D.02; 3D.03; 3D.04; 3D.045; 3D.05; 3D.06; 3D.065; 3D.07; 3D.08; 3D.09; 3D.10; 3D.11; 3D.12; 3D.13; 3D.14; 3D.15; 3D.16; 3D.17; 3D.18; 3D.19; 3D.20; 3D.21, subdivisions 2, 3, 4, 5, 6, 7, 8; 43A.17, subdivision 4; 155A.25, subdivision 1; 168A.40, subdivisions 3, 4; 197.608, subdivision 2a; 270C.145; 326A.03, subdivisions 2, 5, 8; Laws 2012, chapter 278, article 1, section 6; Minnesota Rules, parts 1105.0600; 1105.2550; 1105.2700.

Senate File No. 1589 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 20, 2013

Senator Saxhaug moved that the Senate do not concur in the amendments by the House to S.F. No. 1589, 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.

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 671:** A bill for an act relating to public safety; providing that funds received for out-of-state offenders incarcerated in Minnesota are appropriated to the Department of Corrections; modifying certificates of compliance for public contracts; appropriating money for public safety, judiciary, corrections, and human rights; amending Minnesota Statutes 2012, sections 243.51, subdivisions 1, 3; 363A.36, subdivisions 1, 2; Laws 2011, First Special Session chapter 1, article 1, section 3, subdivision 3; repealing Minnesota Statutes 2012, section 243.51, subdivision 5.

There has been appointed as such committee on the part of the House:

Paymar, Hilstrom, Lesch, Melin and Cornish.

Senate File No. 671 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 20, 2013

### REPORTS OF COMMITTEES

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

#### **Senator Bakk, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 1195** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its 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.
1195	1111				

and that the above 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. Report adopted.

### SECOND READING OF HOUSE BILLS

H.F. No. 1195 was read the second time.

### MOTIONS AND RESOLUTIONS

#### **Senator Ingebrigsten introduced –**

**Senate Resolution No. 68:** A Senate resolution congratulating Travis Bartels of Vergas, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Bakk moved that H.F. No. 1160 be taken from the table and given a second reading. The motion prevailed.

**H.F. No. 1160:** A bill for an act relating to judiciary; imposing certain court fees and surcharge; creating a court technology account in the special revenue fund; reimbursing certain expenses of Court of Appeals judges; modifying certain provisions related to guardians and conservators; appropriating money for judiciary, guardian ad litem board, tax court, Board on Judicial Standards, Board of Public Defense, Uniform Laws Commission, and sentencing guidelines; amending Minnesota Statutes 2012, sections 245C.32, subdivision 2; 357.021, subdivisions 6, 7, by adding a subdivision; 357.022; 480A.02, subdivision 7; 524.5-118, subdivision 1, by adding a subdivision; 524.5-303; 524.5-316; 524.5-403; 524.5-420; 629.59.

H.F. No. 1160 was read the second time.

Senator Bakk moved that H.F. No. 1160 be laid on the table. The motion prevailed.

Senator Pappas moved that S.F. No. 1294, No. 85 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

### RECESS

Senator Bakk 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.

### CALL OF THE SENATE

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

### APPOINTMENTS

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

S.F. No. 1589: Senators Saxhaug, Cohen, Eaton, Champion and Franzen.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Bakk moved that H.F. No. 976 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated H.F. No. 976 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 976:** A bill for an act relating to state government; appropriating money for environment, natural resources, and agriculture; modifying and providing for certain fees; modifying and providing for disposition of certain revenue; creating accounts; modifying

payment of certain costs; modifying grant programs; providing for agricultural water quality certification; modifying Minnesota Noxious Weed Law; modifying pesticide control; modifying animal waste technician provisions; modifying certain renewable energy and biofuel provisions; modifying bonding requirements for grain buyers and grain storage; making technical changes; modifying certain permit requirements; providing for federal law compliance; providing for certain easements; establishing pollinator habitat program; modifying state trails; modifying all-terrain vehicle operating provisions; modifying State Timber Act; modifying water use requirements; modifying certain park boundaries; modifying reporting requirements; modifying Petroleum Tank Release Cleanup Act; providing for silica sand mining model standards and technical assistance; establishing criteria for wastewater treatment system projects; providing for wastewater laboratory certification; providing for product stewardship programs; modifying Minnesota Power Plant Siting Act; providing for sanitary districts; requiring groundwater sustainability recommendations; requiring rulemaking; amending Minnesota Statutes 2012, sections 17.03, subdivision 3; 17.1015; 17.118, subdivision 2; 18.77, subdivisions 3, 4, 10, 12; 18.78, subdivision 3; 18.79, subdivisions 6, 13; 18.82, subdivision 1; 18.91, subdivisions 1, 2; 18B.01, by adding a subdivision; 18B.065, subdivision 2a; 18B.07, subdivisions 4, 5, 7; 18B.26, subdivision 3; 18B.305; 18B.316, subdivisions 1, 3, 4, 8, 9; 18B.37, subdivision 4; 18C.430; 18C.433, subdivision 1; 31.94; 41A.10, subdivision 2, by adding a subdivision; 41A.105, subdivisions 1a, 3, 5; 41A.12, by adding a subdivision; 41B.04, subdivision 9; 41D.01, subdivision 4; 84.027, by adding a subdivision; 84.82, by adding a subdivision; 84.922, by adding a subdivision; 84.9256, subdivision 1; 84.928, subdivision 1; 84D.108, subdivision 2; 85.015, subdivision 13; 85.052, subdivision 6; 85.054, by adding a subdivision; 85.055, subdivisions 1, 2; 85.42; 89.0385; 89.17; 90.01, subdivisions 4, 5, 6, 8, 11; 90.031, subdivision 4; 90.041, subdivisions 2, 5, 6, 9, by adding subdivisions; 90.045; 90.061, subdivision 8; 90.101, subdivision 1; 90.121; 90.145; 90.151, subdivisions 1, 2, 3, 4, 6, 7, 8, 9; 90.161; 90.162; 90.171; 90.181, subdivision 2; 90.191, subdivision 1; 90.193; 90.195; 90.201, subdivision 2a; 90.211; 90.221; 90.252, subdivision 1; 90.301, subdivisions 2, 4; 90.41, subdivision 1; 92.50; 93.17, subdivision 1; 93.1925, subdivision 2; 93.25, subdivision 2; 93.285, subdivision 3; 93.46, by adding a subdivision; 93.481, subdivisions 3, 5, by adding subdivisions; 93.482; 97A.401, subdivision 3; 103G.265, subdivisions 2, 3; 103G.271, subdivisions 1, 4, 6; 103G.282; 103G.287, subdivisions 1, 4, 5; 103G.615, subdivision 2; 103I.205, subdivision 1; 103I.601, by adding a subdivision; 114D.50, subdivision 4; 115A.1320, subdivision 1; 115B.20, subdivision 6; 115B.28, subdivision 1; 115C.02, subdivision 4; 115C.08, subdivision 4, by adding a subdivision; 115D.10; 116.48, subdivision 6; 116C.03, subdivisions 2, 4, 5; 116D.04, by adding a subdivision; 116J.437, subdivision 1; 168.1296, subdivision 1; 216E.12, subdivision 4; 223.17, by adding a subdivision; 232.22, by adding a subdivision; 239.051, by adding subdivisions; 239.791, subdivisions 1, 2a, 2b; 239.7911; 275.066; 296A.01, subdivision 19, by adding a subdivision; 473.846; Laws 2012, chapter 249, section 11; proposing coding for new law in Minnesota Statutes, chapters 17; 18; 84; 90; 93; 115; 115A; 116C; proposing coding for new law as Minnesota Statutes, chapter 442A; repealing Minnesota Statutes 2012, sections 18.91, subdivisions 3, 5; 18B.07, subdivision 6; 90.163; 90.173; 90.41, subdivision 2; 103G.265, subdivision 2a; 115.18, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10; 115.19; 115.20; 115.21; 115.22; 115.23; 115.24; 115.25; 115.26; 115.27; 115.28; 115.29; 115.30; 115.31; 115.32; 115.33; 115.34; 115.35; 115.36; 115.37; 239.791, subdivision 1a; Minnesota Rules, parts 7021.0010, subparts 1, 2, 4, 5; 7021.0020; 7021.0030; 7021.0040; 7021.0050, subpart 5; 9210.0300; 9210.0310; 9210.0320; 9210.0330; 9210.0340; 9210.0350; 9210.0360; 9210.0370; 9210.0380; 9220.0530, subpart 6.

Senator Tomassoni moved to amend H.F. No. 976 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 115B.421, is amended to read:

**115B.421 CLOSED LANDFILL INVESTMENT FUND.**

The closed landfill investment fund is established in the state treasury. The fund consists of money credited to the fund, and interest and other earnings on money in the fund. ~~The commissioner of management and budget shall transfer an initial amount of \$5,100,000 from the balance in the solid waste fund beginning in fiscal year 2000 and shall continue to transfer \$5,100,000 for each following fiscal year, ceasing after 2003.~~ Beginning July 1, 2003, funds must be deposited as described in section 115B.445. The fund shall be managed to maximize long-term gain through the State Board of Investment. Money in the fund may be spent by the commissioner after fiscal year 2020 in accordance with sections 115B.39 to 115B.444."

Delete the title and insert:

"A bill for an act relating to state government; removing obsolete language relating to the closed landfill investment fund; amending Minnesota Statutes 2012, section 115B.421."

The motion prevailed. So the amendment was adopted.

H.F. No. 976 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 38 and nays 27, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Reinert	Sparks
Bonoff	Eaton	Johnson	Rest	Tomassoni
Carlson	Eken	Kent	Saxhaug	Torres Ray
Champion	Franzen	Koenen	Scalze	Westrom
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Hoffman	Pappas	Skoe	

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Osmek	Senjem
Benson	Hall	Miller	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Kiffmeyer	Ortman	Ruud	

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

**SPECIAL ORDERS**

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

S.F. No. 658, H.F. No. 369, S.F. Nos. 825, 345 and 1291.

**SPECIAL ORDER**

**S.F. No. 658:** A bill for an act relating to labor and industry; allowing the commissioner of labor and industry to issue compliance orders for violations of misrepresentations of employment relationships; amending Minnesota Statutes 2012, section 177.27, 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 43 and nays 23, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Johnson	Pederson, J.	Skoe
Bonoff	Eaton	Kent	Reinert	Sparks
Carlson	Eken	Koenen	Rest	Stumpf
Champion	Franzen	Lourey	Rosen	Tomassoni
Clausen	Goodwin	Marty	Saxhaug	Torres Ray
Cohen	Hawj	Metzen	Scalze	Wiger
Dahle	Hayden	Miller	Schmit	Wiklund
Dahms	Hoffman	Nelson	Sheran	
Dibble	Jensen	Pappas	Sieben	

Those who voted in the negative were:

Anderson	Gazelka	Kiffmeyer	Osmek	Thompson
Benson	Hall	Limmer	Petersen, B.	Weber
Brown	Hann	Newman	Pratt	Westrom
Chamberlain	Housley	Nienow	Ruud	
Fischbach	Ingebrigtsen	Ortman	Senjem	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 369:** A bill for an act relating to community property; adopting the Uniform Community Property Rights at Death Act; proposing coding for new law as Minnesota Statutes, chapter 519A.

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 65 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Limmer

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 825:** A bill for an act relating to health; making changes to the Medical Practice Act; amending Minnesota Statutes 2012, sections 147.001; 147.01, subdivision 1; 147.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 147.

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 58 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Limmer	Pratt
Chamberlain	Newman	Thompson

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 345:** A bill for an act relating to crime victims; authorizing a victim's estate to request or enforce an order for restitution; amending Minnesota Statutes 2012, section 611A.04, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Goodwin	Johnson	Nelson
Bakk	Dahms	Hall	Kent	Newman
Benson	Dibble	Hann	Kiffmeyer	Nienow
Bonoff	Dziedzic	Hawj	Koenen	Ortman
Brown	Eaton	Hayden	Limmer	Osmek
Carlson	Eken	Hoffman	Lourey	Pappas
Chamberlain	Fischbach	Housley	Marty	Pederson, J.
Clausen	Franzen	Ingebrigtsen	Metzen	Pratt
Cohen	Gazelka	Jensen	Miller	Reinert



Rest	Scalze	Sieben	Thompson	Westrom
Rosen	Schmit	Skoe	Tomassoni	Wiger
Ruud	Senjem	Sparks	Torres Ray	Wiklund
Saxhaug	Sheran	Stumpf	Weber	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1291:** A bill for an act relating to mines; making technical, clarifying, and other policy changes to mine inspector provisions; amending Minnesota Statutes 2012, sections 180.01; 180.02; 180.03; 180.04; 180.05; 180.08; 180.10; 180.11; 180.12; 180.13; proposing coding for new law in Minnesota Statutes, chapter 180; repealing Minnesota Statutes 2012, sections 180.06; 180.09.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### RECESS

Senator Sieben 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.

### MEMBERS EXCUSED

Senator Latz was excused from the Session of today. Senator Stumpf was excused from the Session of today from 2:00 to 2:10 p.m. Senator Petersen, B. was excused from the Session of today from 2:20 to 2:30 p.m. Senator Bakk was excused from the Session of today from 2:25 to 2:35 p.m.

### ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Tuesday, April 23, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

