

## FIFTEENTH DAY

St. Paul, Minnesota, Monday, February 14, 2011

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

**CALL OF THE SENATE**

Senator Michel 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, led by military service veteran, Sgt. Marcus Kuboy.

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

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

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 adoption by the House of the following House Concurrent Resolution, herewith transmitted:

**House Concurrent Resolution No. 1:** A House concurrent resolution adopting deadlines for

the 2011 regular session.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted February 10, 2011

Senator Koch moved that House Concurrent Resolution No. 1 be laid on the table. The motion prevailed.

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. 40:** A bill for an act relating to education; amending teacher licensure provisions; establishing an alternative teacher preparation program and limited-term teacher license; requiring reports; amending Minnesota Statutes 2010, section 122A.16; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2010, section 122A.24.

Senate File No. 40 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned February 10, 2011

Senator Olson moved that S.F. No. 40 be laid on the table. The motion prevailed.

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. 139:** A bill for an act relating to residential construction; providing for lead poisoning prevention; modifying effective dates; amending Laws 2010, chapter 321, sections 1; 2; 3.

Senate File No. 139 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned February 10, 2011

### CONCURRENCE AND REPASSAGE

Senator Lillie moved that the Senate concur in the amendments by the House to S.F. No. 139 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 139 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

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

Those who voted in the affirmative were:

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

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

#### MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1 and 55.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted February 10, 2011

#### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 42, now on General Orders.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 48, now

on General Orders.

### REPORTS OF COMMITTEES

Senator Koch moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointments. The motion prevailed.

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

**S.F. No. 261:** A bill for an act relating to regulatory reform; providing that certain rules take effect only upon legislative approval; amending Minnesota Statutes 2010, section 14.19; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 2010, section 14.127.

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

Page 1, line 8, after "the" insert "annual"

Page 1, line 9, delete "in the first year after the rule takes effect"

Page 1, line 10, after "entity" insert "in any year after the rule takes effect"

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

#### **Senator Olson from the Committee on Education, to which were referred the following appointments:**

##### BOARD OF THE MINNESOTA STATE ACADEMIES

Joyce S. Daugaard  
Gwendolyn Jackson

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

Senator Koch 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.

#### **Senator Newman introduced—**

**S.F. No. 301:** A bill for an act relating to public safety; expanding the fourth-degree assault crime and the assaulting a police horse crime to provide more protection to law enforcement assistants; amending Minnesota Statutes 2010, sections 609.02, by adding a subdivision; 609.2231, by adding a subdivision; 609.597.

Referred to the Committee on Judiciary and Public Safety.

**Senators Vandever, Hann, Scheid, Sparks and Brown introduced—**

**S.F. No. 302:** A bill for an act relating to insurance; regulating dental plan contracts and provider audits; amending Minnesota Statutes 2010, sections 62Q.76, by adding a subdivision; 62Q.78, by adding subdivisions.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Stumpf introduced—**

**S.F. No. 303:** A bill for an act relating to capital investment; appropriating money for an aviation maintenance expansion project at Northland Community and Technical College; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Gazelka introduced—**

**S.F. No. 304:** A bill for an act relating to natural resources; naming the Terry McGaughey Memorial Bridge.

Referred to the Committee on Environment and Natural Resources.

**Senator Higgins introduced—**

**S.F. No. 305:** A bill for an act relating to taxation; authorizing an income tax checkoff for multiple sclerosis research and assistance; appropriating money; amending Minnesota Statutes 2010, section 270C.445, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

**Senators Bonoff, Stumpf and Howe introduced—**

**S.F. No. 306:** A bill for an act relating to capital investment; appropriating money for a public school's fiber optic infrastructure grant program; establishing the grant program; authorizing the sale and issuance of state bonds; proposing coding for new law in Minnesota Statutes, chapter 126C.

Referred to the Committee on Capital Investment.

**Senators Vandever and Chamberlain introduced—**

**S.F. No. 307:** A bill for an act relating to highways; prohibiting toll roads; making conforming changes; amending Minnesota Statutes 2010, sections 117.226; 160.93, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 160; repealing Minnesota Statutes 2010, sections 160.84; 160.85; 160.86; 160.87; 160.88; 160.89; 160.90; 160.91; 160.92.

Referred to the Committee on Transportation.

**Senators Ingebrigtsen, Tomassoni and Sparks introduced–**

**S.F. No. 308:** A bill for an act relating to State Lottery; authorizing director of the State Lottery to establish video lottery terminals; providing duties and powers to director of the State Lottery; providing for use of video lottery revenues; modifying certain lawful gambling taxes; making clarifying, conforming, and technical changes; amending Minnesota Statutes 2010, sections 297A.94; 297E.02, subdivision 1; 299L.02, subdivision 1; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349.15, subdivision 1; 349A.01, subdivisions 10, 11, 12, by adding subdivisions; 349A.04; 349A.06, subdivisions 1, 5, 8, 10, by adding subdivisions; 349A.08, subdivisions 1, 5, 8; 349A.09, subdivision 1; 349A.10, subdivisions 2, 3, 4, 6; 349A.11, subdivision 1; 349A.12, subdivisions 1, 2; 349A.13; 541.20; 541.21; 609.651, subdivision 1; 609.75, subdivisions 3, 4; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A; repealing Minnesota Statutes 2010, sections 297E.01, subdivision 7; 297E.02, subdivisions 4, 6, 7.

Referred to the Committee on State Government Innovation and Veterans.

**Senators Sheran, Rosen and Kubly introduced–**

**S.F. No. 309:** A bill for an act relating to human services; directing the commissioner of human services to allocate permanent funding for Minnesota Faith in Action; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

**Senator Langseth introduced–**

**S.F. No. 310:** A bill for an act relating to chemical health; providing interstate contracts for detoxification services; amending Minnesota Statutes 2010, section 245.50.

Referred to the Committee on Health and Human Services.

**Senator Anderson introduced–**

**S.F. No. 311:** A bill for an act relating to health; modifying health record privacy provisions; amending Minnesota Statutes 2010, section 144.293, subdivision 5.

Referred to the Committee on Health and Human Services.

**Senators Dahms and Magnus introduced–**

**S.F. No. 312:** A bill for an act relating to taxation; authorizing the city of Marshall to impose a local sales and use tax.

Referred to the Committee on Taxes.

**Senator Skoe introduced–**

**S.F. No. 313:** A bill for an act relating to veterans; authorizing placement of a plaque in the court of honor on the Capitol grounds to honor American Indian veterans from this state.

Referred to the Committee on State Government Innovation and Veterans.

**Senator Skoe introduced–**

**S.F. No. 314:** A bill for an act relating to natural resources; establishing LaSalle Lake State Recreation Area as a satellite unit of Itasca State Park; appropriating money; amending Minnesota Statutes 2010, section 85.013, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Senators Olson and Bonoff introduced–**

**S.F. No. 315:** A bill for an act relating to education finance; amending lease levy authority; amending Minnesota Statutes 2010, section 126C.40, subdivision 1.

Referred to the Committee on Education.

**Senators Skoe, Langseth and Stumpf introduced–**

**S.F. No. 316:** A bill for an act relating to capital investment; appropriating money to implement flood damage reduction projects in the Red River of the North; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Sparks introduced–**

**S.F. No. 317:** A bill for an act relating to capital investment; appropriating money for RIM conservation reserve; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Jungbauer introduced–**

**S.F. No. 318:** A bill for an act relating to elections; requiring school referendum elections to be held only on general election days; amending Minnesota Statutes 2010, section 126C.17, subdivision 11.

Referred to the Committee on Local Government and Elections.

**Senators Rosen, Magnus, Kelash, Parry and Dahms introduced–**

**S.F. No. 319:** A bill for an act relating to history and cultural heritage; appropriating money for the Minnesota Agricultural Interpretive Center.

Referred to the Committee on State Government Innovation and Veterans.

**Senators Rosen, Sheran, Parry and DeKruif introduced–**

**S.F. No. 320:** A bill for an act relating to transportation; appropriating money for county

highway-rail grade crossing warning devices; authorizing sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Rosen, Dahms, Sheran, Ingebrigtsen and Parry introduced—**

**S.F. No. 321:** A bill for an act relating to cultural heritage; appropriating money for rehabilitation of the Dodd Ford Bridge.

Referred to the Committee on State Government Innovation and Veterans.

**Senator Jungbauer introduced—**

**S.F. No. 322:** A resolution memorializing the United States Congress regarding the unauthorized and unscientific regulation of carbon dioxide emissions by the Environmental Protection Agency.

Referred to the Committee on Energy, Utilities and Telecommunications.

**Senator Latz introduced—**

**S.F. No. 323:** A bill for an act relating to alcohol; allowing sales of specific clothing and memorabilia by an exclusive liquor store; amending Minnesota Statutes 2010, section 340A.412, subdivision 14.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Newman and Thompson introduced—**

**S.F. No. 324:** A bill for an act relating to state government; changing allotment provisions; amending Minnesota Statutes 2010, section 16A.152, subdivision 4.

Referred to the Committee on Finance.

**Senators Hann, Olson, Michel, Bonoff and Scheid introduced—**

**S.F. No. 325:** A bill for an act relating to education; creating the MNovate commission; proposing coding for new law in Minnesota Statutes, chapter 127A.

Referred to the Committee on Education.

**Senators Anderson, Senjem, Langseth and Ortman introduced—**

**S.F. No. 326:** A bill for an act relating to taxation; creating an income checkoff for homeless prevention; amending Minnesota Statutes 2010, section 270C.445, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.



**Senators Miller and Sparks introduced–**

**S.F. No. 327:** A bill for an act relating to veterans; specifying the county in which a new veterans cemetery must be located; amending Laws 2010, chapter 333, article 2, section 23.

Referred to the Committee on State Government Innovation and Veterans.

**Senator Kruse introduced–**

**S.F. No. 328:** A bill for an act relating to state lands; requiring conveyance of certain surplus state land in Schmidt Wildlife Management Area.

Referred to the Committee on Environment and Natural Resources.

**Senators Stumpf and Ingebrigtsen introduced–**

**S.F. No. 329:** A bill for an act relating to state lands; authorizing private sale of certain consolidated conservation lands.

Referred to the Committee on Environment and Natural Resources.

**Senators Parry, DeKruif and Ingebrigtsen introduced–**

**S.F. No. 330:** A bill for an act relating to highways; designating portion of marked Interstate Highway 35 as Deputy John W. Liebenstein Memorial Highway; amending Minnesota Statutes 2010, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation.

**Senators Michel, Bonoff, Berglin and Nelson introduced–**

**S.F. No. 331:** A bill for an act relating to early childhood education; creating an early childhood education scholarship finance system; providing tax credits for training and retaining early education workers; improving quality early childhood education programming; appropriating money; amending Minnesota Statutes 2010, sections 119B.09, subdivision 5; 119B.13, subdivision 3a; 124D.15, subdivisions 3, 3a; 270B.14, subdivision 1, by adding a subdivision; 290.01, subdivisions 19a, 19c; 290.0674, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 290; proposing coding for new law as Minnesota Statutes, chapter 119C; repealing Minnesota Statutes 2010, section 124D.16, subdivisions 2, 3, 5, 6, 7.

Referred to the Committee on Education.

**Senator Limmer introduced–**

**S.F. No. 332:** A bill for an act relating to public safety; permitting certain offenses to be charged in either the county of the offense or the home county of the arresting law enforcement agency; amending Minnesota Statutes 2010, section 436.05, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety.

**Senators Limmer and Koch introduced–**

**S.F. No. 333:** A bill for an act relating to natural resources; modifying Mississippi River management plan.

Referred to the Committee on Environment and Natural Resources.

**Senators Olson, Wiger, Michel and Scheid introduced–**

**S.F. No. 334:** A bill for an act relating to education; modifying charter school authorizer restrictions; amending Minnesota Statutes 2010, section 124D.10, subdivision 3.

Referred to the Committee on Education.

**MOTIONS AND RESOLUTIONS**

Senator Parry moved that the name of Senator Nelson be added as a co-author to S.F. No. 130. The motion prevailed.

Senator Benson moved that the name of Senator Nelson be added as a co-author to S.F. No. 180. The motion prevailed.

Senator Wiger moved that S.F. No. 111 be withdrawn from the Committee on Capital Investment and re-referred to the Committee on Transportation. The motion prevailed.

Senator Wiger moved that S.F. No. 112 be withdrawn from the Committee on Capital Investment and re-referred to the Committee on Transportation. The motion prevailed.

**Senator Lourey introduced –**

**Senate Resolution No. 40:** A Senate resolution congratulating Chase Moon for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Koch introduced –**

**Senate Resolution No. 41:** A Senate resolution congratulating Martin Carter of Buffalo, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Koch moved that House Concurrent Resolution No. 1 be taken from the table. The motion prevailed.

**House Concurrent Resolution No. 1:** A House concurrent resolution adopting deadlines for the 2011 regular session.

BE IT RESOLVED, by the House of Representatives of the State of Minnesota, the Senate concurring:

(a) In fulfillment of Joint Rule 2.03, the deadlines in this resolution apply to the 2011 regular session.

(b) The deadlines in this paragraph do not apply to the House Committees on Capital Investment, Ways and Means, Taxes, or Rules and Legislative Administration, or to the Senate Committees on Capital Investment, Finance, Taxes, or Rules and Administration.

(1) The third deadline, 11:59 p.m., Friday, March 25, 2011, is for finance committees and divisions of the House and Senate to report omnibus appropriation bills to the House Committee on Ways and Means and the Senate Committee on Finance, other than a bill appropriating money for the acquisition and betterment of public lands and buildings and other public improvements of a capital nature, or an omnibus tax bill.

(2) The first deadline, 11:59 p.m., Friday, April 29, 2011, is for committees to act favorably on bills in the house of origin.

(3) The second deadline, 11:59 p.m., Friday, May 6, 2011, is for committees to act favorably on bills, or companions of bills, that met the first deadline in the other house.

(c) A committee has until the second deadline to act favorably on a bill, or the companion of a bill, that by the first deadline was referred to a finance committee.

(d) The omnibus appropriation bills are the following:

- (1) A bill appropriating money for education from early childhood through grade 12;
- (2) A bill appropriating money for higher education;
- (3) A bill appropriating money for health and human services;
- (4) A bill appropriating money for the state's agriculture and rural economic development;
- (5) A bill appropriating money for jobs and economic growth and development;
- (6) A bill in the House appropriating money for protection and improvement of the state's environment, energy, and natural resources;
- (7) A bill in the Senate appropriating funds for the environment and natural resources;
- (8) A bill in the Senate appropriating funds for commerce and consumer protection;
- (9) A bill in the Senate appropriating funds for energy, utilities, and telecommunications;
- (10) A bill appropriating money for the Department of Transportation and other agencies;
- (11) A bill in the House appropriating money for the judiciary;
- (12) A bill in the House appropriating money for public safety;
- (13) A bill in the House appropriating money for state government;
- (14) A bill in the Senate appropriating money for state government innovation and veterans;
- (15) A bill in the Senate appropriating money for the judiciary and public safety;

(16) A bill appropriating money for the payment of claims against the State of Minnesota that may have been allowed by the Finance Committee of the Senate or the Ways and Means Committee of the House;

(17) A bill appropriating money for the acquisition and betterment of public lands and buildings and other public improvements of a capital nature; and

(18) The omnibus tax bill.

(e) When a committee in either house acts favorably on a bill after a deadline established in this resolution, the bill must be referred in the Senate to the Committee on Rules and Administration or in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Either rules committee, when reporting a bill referred to the committee in accordance with Joint Rule 2.03 and this resolution, may waive the application of the rule and resolution to subsequent actions on that bill by other committees.

Senator Koch moved that House Concurrent Resolution No. 1 be now adopted. The motion prevailed. So the resolution was adopted.

#### **MEMBERS EXCUSED**

Senator Metzen was excused from the Session of today.

#### **ADJOURNMENT**

Senator Koch moved that the Senate do now adjourn until 11:00 a.m., Thursday, February 17, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate