

ONE HUNDRED ELEVENTH DAY

St. Paul, Minnesota, Friday, April 27, 2012

The Senate met at 1:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Senator Daley 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. Ilene Blanche.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

RECESS

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

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

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

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.

April 27, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2392, 1750, 1922 and 2296.

Sincerely,
Mark Dayton, Governor

April 27, 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 Acts of the 2012 Session of the State Legislature have been received from the Office of the Governor and are 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
	2173	234	2:08 p.m. April 27	April 27
2392		235	2:08 p.m. April 27	April 27
1750		236	2:11 p.m. April 27	April 27
	2731	237	2:11 p.m. April 27	April 27
1922		238	2:13 p.m. April 27	April 27
	2949	239	2:11p.m. April 27	April 27
	2508	240	2:16 p.m. April 27	April 27
	2447	241	2:16 p.m. April 27	April 27
2296		250	2:18 p.m. April 27	April 27

Sincerely,
Mark Ritchie
Secretary of State

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. 230: A bill for an act relating to health occupations; providing for a Nurse Licensure Compact; providing for appointments; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

Senate File No. 230 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 26, 2012

Senator Gerlach moved that the Senate do not concur in the amendments by the House to S.F. No. 230, and that a Conference Committee of 3 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 adopted the recommendation and report of the Conference Committee on Senate File No. 946, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 946: A bill for an act relating to education; establishing a pilot project to examine how school districts might operate jointly to provide innovative delivery of programs and activities and share resources.

Senate File No. 946 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 26, 2012

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2324, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2324: A bill for an act relating to occupational licensing; modifying electrical licenses; amending Minnesota Statutes 2010, sections 326B.31, subdivision 14, by adding subdivisions; 326B.33, subdivisions 17, 19, by adding a subdivision.

Senate File No. 2324 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 26, 2012

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2493, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2493: A bill for an act relating to natural resources; appropriating money from the outdoor heritage fund; modifying requirements for outdoor heritage fund appropriations; appropriating money for clean water; appropriating money for an Aquatic Invasive Species Cooperative Research Center; modifying prior appropriations; modifying certain parks and trails grant program provisions; amending Minnesota Statutes 2010, sections 85.535, subdivision 3; 97A.056, by adding subdivisions; Laws 2009, chapter 172, article 3, section 3; Laws 2011, First Special Session chapter 2, article 3, section 2, subdivision 9; Laws 2011, First Special Session chapter 6, article 2, section 7.

Senate File No. 2493 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 26, 2012

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2555:

H.F. No. 2555: A bill for an act relating to state government; implementing changes to the sunset review; changing certain agency requirements; requiring posting of convictions of felonies or gross misdemeanors and malpractice settlements or judgments for a regulated practitioner; requiring certain information on regulated practitioners; requiring a study; prohibiting transfer of certain funds; requiring reports and a financial audit; setting fees; abolishing the Combative Sports Commission and transferring combative sports duties to the commissioner of labor and industry; establishing a Combative Sports Advisory Council; requiring a review of the Minnesota Board of Medical Practice; changing provisions for health-related licensing boards; appropriating money; amending Minnesota Statutes 2010, sections 3.922, by adding a subdivision; 3.9223, subdivision 7; 3.9225, subdivision 7; 3.9226, subdivision 7; 147.01, subdivision 4; 147.111, by adding a subdivision; 148.102, by adding a subdivision; 148.261, subdivision 1; 148.263, by adding a subdivision; 148.5194, subdivision 5; 148.6445, subdivision 10; 148B.07, by adding a subdivision; 148C.095, by adding a subdivision; 148E.285, by adding a subdivision; 150A.13, by adding a subdivision; 153.24, by adding a subdivision; 153A.17; 214.06, subdivisions 1, 1a, by adding a subdivision; 214.09, by adding a subdivision; 214.103; 341.21, by adding a subdivision; 341.28, subdivision 1; 341.37; Minnesota Statutes 2011 Supplement, sections 3D.04; 3D.06; 3D.21, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 3D; 16B; 214; 341; repealing Minnesota Statutes 2010, sections 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 341.21, subdivisions 3, 4a; 341.22; 341.23; 341.24; 341.26.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Kiffmeyer, Peppin and Nelson have been appointed as such committee on the part of the House.

House File No. 2555 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 April 26, 2012

Senator Bonoff moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2555, and that a Conference Committee of 3 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 the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1284 and 2685.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 26, 2012

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 1284: A bill for an act relating to transportation; modifying provisions governing transportation and public safety policies, including bicycles and bikeways, highways and bridges, motor vehicles, motor vehicle markings and equipment, traffic regulations, driver education, driver licensing, driver's license exemptions, DWI violations, alternative financing for transportation projects, contracting requirements, bus operations, railroads, motor carriers and commercial drivers, aeronautics and airports, and agency reporting; providing for rulemaking; removing obsolete language; making technical and clarifying changes; repealing certain provisions; appropriating money; amending Minnesota Statutes 2010, sections 85.015, by adding a subdivision; 85.018, subdivisions 2, 4; 160.263, subdivision 2; 160.845; 160.93, subdivisions 1, 2; 161.14, subdivision 66, by adding subdivisions; 161.321; 161.3212; 162.09, by adding a subdivision; 162.13, subdivision 1; 162.18, subdivisions 1, 4; 168.002, subdivisions 19, 20; 168.012, subdivision 1, by adding a subdivision; 168.013, by adding a subdivision; 168A.03, subdivision 1; 168B.011, subdivision 12; 169.011, subdivisions 4, 27, 44, 45; 169.035, subdivision 1, by adding a subdivision; 169.04; 169.06, subdivisions 5, 7; 169.19, subdivision 5; 169.222, subdivisions 4, 7, by adding subdivisions; 169.223, subdivisions 1, 5; 169.306; 169.64, subdivision 2; 169.685, subdivision 6; 169.79, subdivision 6; 169.86, subdivision 4; 169.99, subdivision 1b; 169A.54, subdivisions 1, 6; 171.01, subdivision 41; 171.03; 171.061, subdivision 4; 171.12, subdivision 6; 171.30, subdivision 1; 171.306, subdivision 4; 174.02, by adding a subdivision; 174.56; 221.0314, subdivision 3a; 222.50, subdivision 4; 222.51; 222.53; 222.63, subdivision 9; 574.26, subdivisions

1a, 2; Minnesota Statutes 2011 Supplement, sections 162.12, subdivision 1; 168.12, subdivision 5; 169.86, subdivision 5; 171.05, subdivision 2; 171.075, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 160; 171; repealing Minnesota Statutes 2010, sections 161.08, subdivision 2; 168.012, subdivision 1b; 169A.54, subdivision 5; 222.48, subdivision 3a.

Senator Senjem moved that H.F. No. 1284 be laid on the table. The motion prevailed.

H.F. No. 2685: A bill for an act relating to transportation; modifying provisions governing transportation policy and finance, including trunk highway designation, work and contracting on trunk highways, motor vehicles, motor vehicle weight limit regulations, motor vehicle titles, electric-assisted bicycles and related regulations, bridge inspections, special veterans license plates, pupil transportation, municipal state-aid street fund eligibility and apportionment, small vehicle passenger service, driver and vehicle information system, deputy registrars of motor vehicles, civilian escort drivers, bicycle equipment, school buses, small business contracts, and legislative reports; making contingent appropriations; setting fees; renumbering statutes; making technical changes; amending Minnesota Statutes 2010, sections 160.27, by adding a subdivision; 160.2715; 161.14, by adding a subdivision; 161.20, subdivision 4; 161.321; 161.3212; 162.09, by adding a subdivision; 165.01; 165.03; 168.002, subdivisions 19, 20; 168.012, by adding a subdivision; 168.013, subdivision 3, by adding a subdivision; 168.185; 168A.03, subdivision 1; 168A.07, subdivision 1; 169.011, subdivisions 4, 27, 44, 45; 169.06, subdivision 4; 169.222, subdivisions 4, 6, 7, by adding subdivisions; 169.223, subdivisions 1, 5; 169.72, subdivision 1; 169.86, subdivision 3b; 169.872, subdivision 1a; 169.98, subdivisions 1, 3; 171.01, subdivision 41; 171.02, subdivision 2b; 174.03, subdivision 1b; 221.091, subdivision 2; 299D.085, subdivision 1, by adding a subdivision; 299D.09; 473.388, subdivisions 2, 4; 604A.21, subdivision 5; Minnesota Statutes 2011 Supplement, sections 168.12, subdivision 5; 168.123, subdivision 1; 171.075, subdivision 1; 299A.705, subdivision 3; Laws 2009, chapter 158, section 10; Laws 2011, First Special Session chapter 3, article 1, section 4; proposing coding for new law in Minnesota Statutes, chapters 161; 171; 375; repealing Minnesota Rules, parts 8810.9000; 8810.9100; 8810.9200; 8810.9300; 8810.9400; 8810.9500; 8810.9600; 8810.9700.

Senator Senjem moved that H.F. No. 2685 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

BOARD OF TEACHING

Erin Azer
John Bellingham
Lesa Covington Clarkson
Michael Larson
Karen Palmen

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

Senator Senjem 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 Sheran, Eaton and Hayden introduced—

S.F. No. 2617: A bill for an act relating to health; regulating laser treatment; amending Minnesota Statutes 2010, section 147.081, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 147.

Referred to the Committee on Health and Human Services.

Senator Goodwin introduced—

S.F. No. 2618: A bill for an act relating to stadiums; establishing the Metropolitan Sports Authority to provide planning and financing for a new stadium for the Minnesota Vikings; requiring a report; proposing coding for new law as Minnesota Statutes, chapter 473K.

Referred to the Committee on Local Government and Elections.

Senators Marty, Hayden, Eaton, Torres Ray and Cohen introduced—

S.F. No. 2619: A bill for an act relating to jobs; creating jobs through rehabilitation and construction of affordable housing, green energy investments in public buildings, and capital improvements at institutions of higher education; authorizing nonprofit housing bonds; authorizing the sale and issuance of state bonds; appropriating money; amending Minnesota Statutes 2010, section 462A.36, by adding subdivisions.

Referred to the Committee on Jobs and Economic Growth.

Senator Nienow introduced—

S.F. No. 2620: A bill for an act relating to state government; suspending compensation of legislators and the governor until certain finance and revenue bills are enacted; defining the effective date for certain executive orders; providing certain appropriations continue in effect at a 100 percent rate unless eliminated or otherwise modified; prohibiting courts from ordering expenditures from the state treasury except under a certain circumstance; authorizing the governor to stop continued appropriations by executive order except in a certain circumstance; amending Minnesota Statutes 2010, section 4.035, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; 16A.

Referred to the Committee on State Government Innovation and Veterans.

MOTIONS AND RESOLUTIONS**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:

H.F. No. 2821 and S.F. No. 1983.

SPECIAL ORDER

H.F. No. 2821: A bill for an act relating to redistricting; adjusting the house of representatives district boundaries within senate districts 39 and 49; repealing obsolete district descriptions; proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 2010, sections 2.444; 2.484.

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 35 and nays 29, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1983: A bill for an act relating to appropriations; eliminating the transfer of funds from the construction code fund to the general fund; amending Minnesota Statutes 2010, section 297I.06, subdivision 1; Minnesota Statutes 2011 Supplement, sections 16A.152, subdivision 2; 297I.06, subdivision 3; 326B.148, subdivision 1; Laws 2007, chapter 135, article 1, section 16.

Senator Robling moved to amend S.F. No. 1983 as follows:

Page 2, delete section 3

Page 4, delete section 6 and insert:

"Sec. 6. **APPROPRIATION; REPORT.**

\$4,500,000 is appropriated in fiscal year 2013 from the fire safety account in the special revenue fund to the commissioner of public safety for activities and programs under Minnesota Statutes, section 299F.012. This is a onetime appropriation. By January 15, 2014, the commissioner shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over the fire safety account regarding the balances and uses of the account."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1983 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 59 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Limmer	Thompson	Vandev eer
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So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1573 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1573

A bill for an act relating to higher education; requiring the provision of textbook information to certain students; providing for the continued operation of Minnesota State Colleges and Universities in certain circumstances; increasing Minnesota State Colleges and Universities system revenue bond authority; prescribing uses of the permanent university fund; providing a graduate study benefit to certain safety officer survivors; making miscellaneous technical changes; amending Minnesota Statutes 2010, sections 135A.25, subdivision 5; 136F.58, subdivision 3, by adding a subdivision;

136F.71, subdivision 3, by adding a subdivision; 136F.98, subdivision 1; 136G.03, subdivision 7; 137.022, subdivision 4; 141.35; 299A.45, subdivisions 1, 2.

April 26, 2012

The Honorable Michelle L. Fischbach
President of the Senate

The Honorable Kurt Zellers
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1573 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1573 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[135A.044] STUDENT HEALTH CARE.**

A Minnesota public postsecondary institution must grant a waiver from its required student health insurance plan coverage if the student requests the waiver and the student has health plan coverage from another source, including employer group coverage, private insurance, association group coverage, health sharing organizations, and MinnesotaCare. An institution must notify students of the right to request the waiver.

Sec. 2. Minnesota Statutes 2010, section 135A.14, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given them.

(a) "Administrator" means the administrator of the institution or other person with general control and supervision of the institution.

(b) "Public or private postsecondary educational institution" or "institution" means any of the following institutions having an enrollment of more than 100 persons during any quarter, term, or semester during the preceding year: (1) the University of Minnesota; (2) the state universities; (3) the state community colleges; (4) public technical colleges; (5) private four-year, professional and graduate institutions; (6) private two-year colleges; and (7) schools subject to either chapter 141, sections 136A.61 to 136A.71, or schools exempt under section 136A.657, and which offer educational programs within the state for an academic year greater than six consecutive months. An institution's report to the Minnesota Office of Higher Education or the Minnesota Department of Education may be considered when determining enrollment.

(c) "Student" means a person born after 1956 who did not graduate from a Minnesota high school in 1997 or later, and who is (1) registering for more than one class during a full academic term, such as a quarter or a semester or (2) housed on campus and is registering for one or more classes. Student does not include persons who are only enrolled in extension classes ~~only or~~ correspondence classes ~~only~~, online classes, or evening or weekend adult accelerated programs.

Sec. 3. Minnesota Statutes 2010, section 135A.25, subdivision 5, is amended to read:

Subd. 5. **Bookstores; course materials.** The University of Minnesota and private colleges are encouraged to comply with the requirements for ~~instructors and bookstores~~ under section 136F.58, ~~subdivision~~ subdivisions 2, 2a, and 3.

Sec. 4. Minnesota Statutes 2010, section 136F.58, is amended by adding a subdivision to read:

Subd. 2a. **Course schedule and material list.** (a) Each state college and university shall compile a course schedule indicating each course offered by the state college or university for each term and shall include with the course schedule a list of the required and recommended course materials that specifies, to the extent practicable, the information required in subdivision 3, paragraph (c).

(b) At the time required by subdivision 3, paragraph (c), a state college or university shall publish course schedules and course material lists on the state college's or university's Web site.

Sec. 5. Minnesota Statutes 2010, section 136F.58, subdivision 3, is amended to read:

Subd. 3. **Notice to purchase.** (a) An instructor or department shall ~~make reasonable efforts to~~ notify a college or university bookstore of the final order for required and recommended course material at least ~~30~~ 45 days prior to the commencement of the term.

(b) An instructor or department must notify the bookstore, as required in paragraph (a), if a previous edition of the textbook is acceptable as a substitute textbook for the course.

~~(b)~~ (c) The bookstore must make reasonable efforts to notify students of the following information concerning the required and recommended course material at least ~~15~~ 30 days prior to the commencement of the term for which the course material is required including, but not limited to:

(1) the title, edition, author, and International Standard Book Number (ISBN) of the course material;

(2) the retail price charged in the college or university bookstore for the course material, including custom textbooks;

(3) ~~whether the required course material is bundled with optional material, whether it can be unbundled, and the price for each bundled and unbundled component if applicable, whether a previous edition of the textbook is acceptable as required under this subdivision; and~~

(4) whether the material is available in an alternative format and the cost for the alternatively formatted material; and

(5) the most recent copyright date of the printed course material and the copyright date of the most recent prior edition of the course material, if that prior edition is acceptable for class use.

(d) For purposes of this subdivision, "custom textbooks" means course materials that are compiled by a publisher at the direction of a faculty member or, if applicable, the other adopting entity in charge of selecting course materials for courses taught at a state college or university. Custom textbooks may include items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, or elements unique to a specific state college or university.

Sec. 6. Minnesota Statutes 2010, section 136F.71, subdivision 3, is amended to read:

Subd. 3. **Interest income.** ~~Beginning July 1, 1997,~~ Interest income attributable to general fund dedicated receipts of the board is appropriated to the board. The board shall allocate the income proportionately among the colleges and universities. The board shall report this income separately in its biennial budget requests.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 7. Minnesota Statutes 2010, section 136F.71, is amended by adding a subdivision to read:

Subd. 5. **Continued operation.** Notwithstanding any other law to the contrary, to the extent that the board has receipts under this section sufficient to continue operations, the commissioner of management and budget shall provide the board with statewide systems services under section 16A.1286 and access to its funds as deemed necessary by the board to continue its operations. The board shall pay for the services received in accordance with section 16A.1286, including any administrative services necessary for the commissioner of management and budget to provide the statewide systems services. In addition, the board shall pay for treasury operations services provided by the commissioner of management and budget. Payments received by the commissioner of management and budget under this subdivision are appropriated to the Department of Management and Budget for the purposes of providing those services. The commissioner of management and budget may transfer payments received under this subdivision to the chief information officer and the commissioner of administration, if necessary.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 8. Minnesota Statutes 2010, section 136F.98, subdivision 1, is amended to read:

Subdivision 1. **Issuance of bonds.** The Board of Trustees of the Minnesota State Colleges and Universities or a successor may issue revenue bonds under sections 136F.90 to 136F.97 whose aggregate principal amount at any time may not exceed ~~\$300,000,000~~ \$405,000,000, and payable from the revenue appropriated to the fund established by section 136F.94, and use the proceeds together with other public or private money that may otherwise become available to acquire land, and to acquire, construct, complete, remodel, and equip structures or portions thereof to be used for dormitory, residence hall, student union, food service, parking purposes, or for any other similar revenue-producing building or buildings of such type and character as the board finds desirable for the good and benefit of the state colleges and universities. Before issuing the bonds or any part of them, the board shall consult with and obtain the advisory recommendations of the chairs of the house of representatives Ways and Means Committee and the senate Finance Committee about the facilities to be financed by the bonds.

Sec. 9. Minnesota Statutes 2010, section 136G.03, subdivision 7, is amended to read:

Subd. 7. **Contingent account owner.** "Contingent account owner" means the ~~individual~~ person designated as the account owner, either in the participation agreement or pursuant to a separate Minnesota college savings plan form, in the event of the death of the account owner.

Sec. 10. Minnesota Statutes 2010, section 137.022, subdivision 4, is amended to read:

Subd. 4. **Mineral research; scholarships.** (a) All income credited after July 1, 1992, to the permanent university fund from royalties for mining under state mineral leases from and after July 1, 1991, must be allocated as provided in this subdivision.

(b)(1) ~~Fifty~~ Beginning January 1, 2013, 50 percent of the income must be allocated according to this paragraph. One-half of the income under this paragraph, up to \$50,000,000, must be credited to the mineral research account of the fund to be allocated for the Natural Resources Research Institute-Duluth and Coleraine facilities, for mineral and mineral-related research including mineral-related environmental research; and. The other one-half of the income under this paragraph, up to \$25,000,000, is credited to an endowment for the costs of operating a mining, metallurgical, or related engineering degree program offered through the University of Minnesota at Mesabi Range Community and Technical College and for scholarships for students to attend the mining, metallurgical, or related engineering program. The maximum scholarship awarded to attend the mining, metallurgical, or related engineering degree program funded under this paragraph cannot exceed \$6,500 per academic year and may be awarded a maximum of four academic years.

(2) The remainder of the income under paragraph (a) plus the amount of any income under clause (1) after \$50,000,000 has been credited to the mineral research account for the Natural Resources Research Institute and the amount of any income over the \$25,000,000 for the engineering program must be credited to the endowed scholarship account of the fund for distribution annually for scholastic achievement as provided by the Board of Regents to undergraduates enrolled at the University of Minnesota who are resident students as defined in section 136A.101, subdivision 8.

(c) The annual distribution from the endowed scholarship account must be allocated to the various campuses of the University of Minnesota in proportion to the number of undergraduate resident students enrolled on each campus.

(d) The Board of Regents must report to the education committees of the legislature biennially at the time of the submission of its budget request on the disbursement of money from the endowed scholarship account and to the environment and natural resources committees on the use of the mineral research account.

(e) Capital gains and losses and portfolio income of the permanent university fund must be credited to its three accounts in proportion to the market value of each account.

(f) The endowment support from the income and capital gains of the endowed mineral research and endowed scholarship accounts of the fund must not total more than six percent per year of the 36-month trailing average market value of the account from which the support is derived.

Sec. 11. Minnesota Statutes 2010, section 141.35, is amended to read:

141.35 EXEMPTIONS.

Sections 141.21 to 141.32 shall not apply to the following:

- (1) public postsecondary institutions;
- (2) postsecondary institutions registered under sections 136A.61 to 136A.71;
- (3) schools of nursing accredited by the state Board of Nursing or an equivalent public board of another state or foreign country;
- (4) private schools complying with the requirements of section 120A.22, subdivision 4;
- (5) courses taught to students in a valid apprenticeship program taught by or required by a trade union;

(6) schools exclusively engaged in training physically or mentally disabled persons for the state of Minnesota;

(7) schools licensed by boards authorized under Minnesota law to issue licenses except schools required to obtain a private career school license due to the use of "academy," "institute," "college," or "university" in their names;

(8) schools and educational programs, or training programs, contracted for by persons, firms, corporations, government agencies, or associations, for the training of their own employees, for which no fee is charged the employee;

(9) schools engaged exclusively in the teaching of purely avocational, recreational, or remedial subjects as determined by the office except schools required to obtain a private career school license due to the use of "academy," "institute," "college," or "university" in their names unless the school used "academy" or "institute" in its name prior to August 1, 2008;

(10) classes, courses, or programs conducted by a bona fide trade, professional, or fraternal organization, solely for that organization's membership;

(11) programs in the fine arts provided by organizations exempt from taxation under section 290.05 and registered with the attorney general under chapter 309. For the purposes of this clause, "fine arts" means activities resulting in artistic creation or artistic performance of works of the imagination which are engaged in for the primary purpose of creative expression rather than commercial sale or employment. In making this determination the office may seek the advice and recommendation of the Minnesota Board of the Arts;

(12) classes, courses, or programs intended to fulfill the continuing education requirements for licensure or certification in a profession, that have been approved by a legislatively or judicially established board or agency responsible for regulating the practice of the profession, and that are offered exclusively to an individual practicing the profession;

(13) classes, courses, or programs intended to prepare students to sit for undergraduate, graduate, postgraduate, or occupational licensing and occupational entrance examinations;

(14) classes, courses, or programs providing 16 or fewer clock hours of instruction that are not part of the curriculum for an occupation or entry level employment except schools required to obtain a private career school license due to the use of "academy," "institute," "college," or "university" in their names;

(15) classes, courses, or programs providing instruction in personal development, modeling, or acting;

(16) training or instructional programs, in which one instructor teaches an individual student, that are not part of the curriculum for an occupation or are not intended to prepare a person for entry level employment; and

(17) schools with no physical presence in Minnesota, as determined by the office, engaged exclusively in offering distance instruction that are located in and regulated by other states or jurisdictions.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2008.

Sec. 12. Minnesota Statutes 2010, section 299A.45, subdivision 1, is amended to read:

Subdivision 1. **Eligibility.** A person is eligible to receive educational benefits under this section if the person:

(1) is certified under section 299A.44 and in compliance with this section and rules of the commissioner of public safety and the Minnesota Office of Higher Education;

(2) is enrolled in an undergraduate degree or certificate program after June 30, 1990, or a graduate degree or certificate program after June 30, 2011, at an eligible Minnesota institution as provided in section 136A.101, subdivision 4;

(3) has not received a baccalaureate degree or been enrolled full time for nine semesters or the equivalent, except that a student who withdraws from enrollment for active military service is entitled to an additional semester or the equivalent of eligibility benefits for the maximum duration specified in subdivision 4; and

(4) is related in one of the following ways to a public safety officer killed in the line of duty on or after January 1, 1973:

(i) as a dependent child less than 23 years of age;

(ii) as a surviving spouse; or

(iii) as a dependent child less than 30 years of age who has served on active military duty 181 consecutive days or more and has been honorably discharged or released to the dependent child's reserve or National Guard unit.

EFFECTIVE DATE. This section is effective retroactively from July 1, 2011.

Sec. 13. Minnesota Statutes 2010, section 299A.45, subdivision 2, is amended to read:

Subd. 2. **Award amount.** (a) The amount of the award is the lesser of:

(1) the average tuition and fees charged by the institution; or

(2) the tuition maximums established by law for the state grant program under section 136A.121. The tuition maximum for graduate study is the maximum established by law for the state grant program for four-year programs.

(b) An award under this subdivision must not affect a recipient's eligibility for a state grant under section 136A.121.

(c) For the purposes of this subdivision, "fees" include only those fees that are mandatory and charged to all students attending the institution.

(d) For the purpose of benefits awarded under this section, "full time" for a graduate program is eight or more credits per term or the equivalent.

EFFECTIVE DATE. This section is effective retroactively from July 1, 2011.

Sec. 14. **MINNESOTA STATE COLLEGES AND UNIVERSITIES TEXTBOOK WORK GROUP.**

The Board of Trustees of the Minnesota State Colleges and Universities shall establish a work group to study methods that result in lower textbook costs for students. Methods include studying alternative textbook delivery methods, including a cross-campus shared delivery system for textbooks, the expansion of electronic textbooks with an assessment of effective methods for delivering e-books to students, and other technology-based innovative or best practices methods to bring real cost savings to students. The goal of this work group is to help assess current practices, present a stable of business strategies, technologies, and campus deployment plans that are effective in driving down the cost of learning resources for students while offering greater access to no- or low-cost academic content for faculty.

Sec. 15. UNIVERSITY OF MINNESOTA APPROPRIATION TRANSFER TO HENNEPIN COUNTY MEDICAL CENTER.

The regents of the University of Minnesota must transfer \$645,000 in fiscal year 2012 and \$645,000 in fiscal year 2013 from the appropriations made to it for operations and maintenance in Laws 2011, First Special Session chapter 5, article 1, section 5, to the Hennepin County Medical Center for graduate family medicine education programs at Hennepin County Medical Center.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 16. TEACHER PERFORMANCE ASSESSMENT.

By January 15, 2013, the Minnesota Board of Teaching must report to the committees of the legislature responsible for K-12 and higher education finance and policy, with recommendations for eliminating lower priority tests or assessments to offset the additional fees charged to students for the teacher performance assessment."

Delete the title and insert:

"A bill for an act relating to higher education; requiring the provision of textbook information to certain students; providing for the continued operation of Minnesota State Colleges and Universities in certain circumstances; increasing Minnesota State Colleges and Universities system revenue bond authority; prescribing uses of the permanent university fund; requiring an expanded waiver for mandatory healthcare coverage; providing a graduate study benefit to certain safety officer survivors; providing funding for the Hennepin County Medical Center graduate family education programs; establishing textbook work group; making miscellaneous technical changes; requiring a report; amending Minnesota Statutes 2010, sections 135A.14, subdivision 1; 135A.25, subdivision 5; 136F.58, subdivision 3, by adding a subdivision; 136F.71, subdivision 3, by adding a subdivision; 136F.98, subdivision 1; 136G.03, subdivision 7; 137.022, subdivision 4; 141.35; 299A.45, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 135A."

We request the adoption of this report and repassage of the bill.

Senate Conferees: Michelle L. Fischbach, John J. Carlson, Jeremy R. Miller, Claire A. Robling, David J. Tomassoni

House Conferees: Bud Nornes, King Banaian, Bob Dettmer, Bruce Vogel, Carlos Mariani

Senator Fischbach moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1573 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report

were adopted.

S.F. No. 1573 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 13, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Koenen	Newman	Senjem
Brown	Gerlach	Kruse	Nienow	Sieben
Carlson	Gimse	Langseth	Olson	Skoe
Chamberlain	Goodwin	Lillie	Ortman	Sparks
Dahms	Hall	Limmer	Parry	Stumpf
Daley	Hann	Magnus	Pederson	Thompson
DeKruif	Hoffman	Metzen	Rest	Tomassoni
Dibble	Howe	Michel	Robling	Vandever
Dziedzic	Ingebrigtsen	Miller	Rosen	Wiger
Fischbach	Koch	Nelson	Saxhaug	Wolf

Those who voted in the negative were:

Cohen	Hayden	Latz	McGuire	Torres Ray
Eaton	Higgins	Lourey	Pappas	
Harrington	Kelash	Marty	Sheran	

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

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:

S.F. No. 230: Senators Gerlach, Nelson and Hoffman.

H.F. No. 2555: Senators Bonoff, Daley and Parry.

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

MEMBERS EXCUSED

Senator Koch was excused from the Session of today from 2:00 to 3:10 p.m. Senators Bakk and Jungbauer were excused from the Session of today from 2:00 to 3:20 p.m. Senator Reinert was excused from the Session of today at 2:55 p.m. Senator Bonoff was excused from the Session of today from 3:00 to 3:20 p.m.

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.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned:

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.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2012

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 230: A bill for an act relating to health occupations; providing for a Nurse Licensure Compact; providing for appointments; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Norton, Quam, and Schomacker.

Senate File No. 230 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2012

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the

Conference Committee on Senate File No. 288, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 288: A bill for an act relating to health; regulating dental laboratories; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 150A.

Senate File No. 288 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2012

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1573, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1573: A bill for an act relating to higher education; requiring the provision of textbook information to certain students; providing for the continued operation of Minnesota State Colleges and Universities in certain circumstances; increasing Minnesota State Colleges and Universities system revenue bond authority; prescribing uses of the permanent university fund; providing a graduate study benefit to certain safety officer survivors; making miscellaneous technical changes; amending Minnesota Statutes 2010, sections 135A.25, subdivision 5; 136F.58, subdivision 3, by adding a subdivision; 136F.71, subdivision 3, by adding a subdivision; 136F.98, subdivision 1; 136G.03, subdivision 7; 137.022, subdivision 4; 141.35; 299A.45, subdivisions 1, 2.

Senate File No. 1573 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2012

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2269:

H.F. No. 2269: A bill for an act relating to elections; determining funds for Help America Vote Act; appropriating money.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Lanning, McFarlane and Simon have been appointed as such committee on the part of the House.

House File No. 2269 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 April 27, 2012

Senator Senjem, for Senator Parry, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2269, and that a Conference Committee of 3 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 the following change in the membership of the Conference Committee on House File 8:

Delete the name of Mack and add the name of Gruenhagen.

H.F. No. 8: A bill for an act relating to human services; establishing the healthy Minnesota contribution program; requiring plan to redesign service delivery for lower-income MinnesotaCare enrollees; requiring the Minnesota Comprehensive Health Association to offer a high-deductible, basic plan; requiring the commissioner of human services to seek federal waivers; amending Minnesota Statutes 2010, sections 62E.08, subdivision 1; 62E.14, by adding a subdivision; 256B.04, subdivision 18; 256L.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 62E; 256L.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 27, 2012

REPORTS OF COMMITTEES

Senator Senjem moved that the Committee Report at the Desk on S.F. No. 2391 be now adopted.

CALL OF THE SENATE

Senator Michel imposed a call of the Senate.

ADJOURNMENT

Senator Senjem moved that the Senate do now adjourn until 3:00 p.m., Saturday, April 28, 2012. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate