

SIXTH DAY

St. Paul, Minnesota, Thursday, January 24, 2013

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

CALL OF THE SENATE

Senator Bakk 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. Dennis Morreim.

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

December 12, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

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

DEPARTMENT OF TRANSPORTATION
COMMISSIONER

Charles A. Zelle, 2100 E. 26th St., Minneapolis, in the county of Hennepin, effective January 15, 2013, to complete a term expiring on January 5, 2015.

(Referred to the Committee on Transportation and Public Safety.)

Sincerely,
Mark Dayton, Governor

REPORTS OF COMMITTEES

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

Senator Latz from the Committee on Judiciary, to which was re-referred

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

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

Page 1, after line 10, insert:

"Sec. 2. Minnesota Statutes 2012, section 13D.08, is amended by adding a subdivision to read:

Subd. 5a. **Minnesota Insurance Marketplace.** Meetings of the Minnesota Insurance Marketplace are governed by section 62V.03, subdivision 2."

Page 3, line 10, delete everything after "meetings" and insert "or portions of meetings where not public data, as defined in section 13.02, subdivision 8a, or trade secret information, as defined in section 13.37, subdivision 1,"

Page 3, line 12, delete "subdivision" and insert "subdivisions 7 and"

Page 3, line 13, delete "are" and insert "must be"

Page 5, line 27, delete everything after "entities"

Page 5, delete line 28

Page 5, line 29, delete everything before the semicolon and insert "as authorized under section 62V.06"

Page 8, line 1, after "Appeals" insert "process; eligibility determinations" and delete everything after "board" and insert "shall establish a process for appeal of individual or employer eligibility determinations of the Minnesota Insurance Marketplace. The process must provide for a reasonable opportunity to be heard and timely resolution of the appeal, consistent with the requirements of federal law and regulations."

Page 8, delete lines 2 to 3

Page 8, line 8, after "subdivision" insert "and subdivision 7"

Page 8, after line 11, insert:

"Subd. 7. **Contested case proceeding; health carrier determinations.** A health carrier that is aggrieved by a decision of the board regarding its compliance with certification requirements or participation in the Minnesota Insurance Marketplace under subdivision 5, paragraph (a) or (b), is entitled to a contested case proceeding under chapter 14. The report or order of the administrative law judge constitutes the final decision in the case, subject to judicial review under sections 14.63 to 14.69."

Page 8, line 12, delete "7" and insert "8"

Page 9, line 1, delete "8" and insert "9"

Page 9, line 16, delete "Public"

Page 9, line 17, after "the" insert "sharing," and after "use" insert a comma

Page 9, line 23, delete "9" and insert "10"

Page 9, lines 31 and 34, after "if" insert "the board determines that"

Page 9, line 35, after the period, insert "Data-sharing agreements must include adequate protections with respect to the confidentiality and integrity of the data to be shared and comply with applicable law."

Page 11, after line 11, insert:

"Sec. 14. **REPORT ON APPEALS PROCESS.**

By February 1, 2014, and February 1, 2015, the Board of Directors of the Minnesota Insurance Marketplace shall submit a report to the legislature on the appeals process for eligibility determinations established under section 7."

Page 11, line 13, delete "12" and insert "14"

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Marty from the Committee on Environment and Energy, to which was referred the following appointment:

MINNESOTA POLLUTION CONTROL AGENCY
COMMISSIONER
John Linc Stine

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

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

Senator Marty from the Committee on Environment and Energy, to which was referred the following appointment:

BOARD OF WATER AND SOIL RESOURCES
CHAIR
Brian G. Napstad

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Lourey introduced—

S.F. No. 93: A bill for an act relating to capital investment; appropriating money for hospital campus infrastructure in Sandstone; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Sheran, Rosen and Jensen introduced—

S.F. No. 94: A bill for an act relating to capital investment; appropriating money for the Mankato arena improvements and events center expansion; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Wiger, Chamberlain and Kent introduced—

S.F. No. 95: A bill for an act relating to taxation; sales and use; allowing capital equipment exemption at time of purchase; amending Minnesota Statutes 2012, sections 297A.68, subdivision 5; 297A.75, subdivisions 1, 2, 3.

Referred to the Committee on Taxes.

Senator Chamberlain introduced—

S.F. No. 96: A bill for an act relating to retirement; White Bear Lake Volunteer Fire Department Relief Association; authorizing the payment of retired member death benefits from the special fund.

Referred to the Committee on State and Local Government.

Senator Ingebrigtsen introduced—

S.F. No. 97: A bill for an act relating to energy; abolishing 2025 renewable energy standards; making clarifying changes; amending Minnesota Statutes 2012, sections 3.8851, subdivision 3; 216B.1691, subdivisions 2d, 3, 4, 5, 7, 9; repealing Minnesota Statutes 2012, section 216B.1691, subdivisions 2a, 2b, 2c.

Referred to the Committee on Environment and Energy.

Senator Ingebrigtsen introduced—

S.F. No. 98: A bill for an act relating to taxation; minerals; authorizing the city of Vergas in Otter Tail County to impose an aggregate tax under certain circumstances; amending Minnesota Statutes 2012, section 298.75, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Dibble, Dziedzic, Hayden, Champion and Torres Ray introduced—

S.F. No. 99: A bill for an act relating to local government; changing the city of Minneapolis and the Minneapolis Park and Recreation Board joint dedication fee; amending Laws 2006, chapter 269, section 2, as amended.

Referred to the Committee on State and Local Government.

Senators Johnson and Petersen, B. introduced—

S.F. No. 100: A bill for an act relating to retirement; changing the durational time limit for certain public employees excluded from participation as members of the Public Employee Retirement Association; amending Minnesota Statutes 2012, section 353.01, subdivision 2b.

Referred to the Committee on State and Local Government.

Senators Metzen, Housley, Tomassoni, Sheran and Hayden introduced—

S.F. No. 101: A bill for an act relating to capital investment; appropriating money for Mighty Ducks grants for new or renovated air handling systems of indoor ice facilities; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2012, section 240A.09.

Referred to the Committee on Finance.

Senators Dahms, Koenen, Weber, Senjem and Sparks introduced—

S.F. No. 102: A bill for an act relating to capital investment; appropriating money for the Lake Redwood reclamation and enhancement project; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Rosen; Pederson, J.; Sparks; Senjem and Sheran introduced—

S.F. No. 103: A bill for an act relating to capital investment; appropriating money for a grant to the city of Truman for a storm water project; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Wiger and Kent introduced—

S.F. No. 104: A bill for an act relating to taxation; eliminating sales tax on purchases by political subdivisions; amending Minnesota Statutes 2012, section 297A.70, subdivision 2.

Referred to the Committee on Taxes.

Senators Dibble, Latz, Bonoff and Pappas introduced—

S.F. No. 105: A bill for an act relating to the Minnesota Historical Society; appropriating money for a bust of former United States Supreme Court Justice Harry A. Blackmun.

Referred to the Committee on Finance.

Senators Hawj, Pappas and Chamberlain introduced—

S.F. No. 106: A bill for an act relating to capital investment; appropriating money for the Metropolitan State University science education center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Champion introduced—

S.F. No. 107: A bill for an act relating to elections; voting; restoring the civil rights of an individual upon release from incarceration; requiring notice; amending Minnesota Statutes 2012, sections 201.014, by adding a subdivision; 201.071, subdivision 1; 201.155; 204C.08, subdivision 1d; 204C.10; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 201; 243.

Referred to the Committee on Judiciary.

Senators Wiger, Chamberlain, Kent, Tomassoni and Scalze introduced—

S.F. No. 108: A bill for an act relating to natural resources; appropriating money from the clean water fund to protect water supplies and lakes in the northeast Twin Cities.

Referred to the Committee on Finance.

Senators Westrom and Ingebrigtsen introduced—

S.F. No. 109: A bill for an act relating to game and fish; permitting limited use of laser sights by visually impaired hunters; providing criminal penalties; amending Minnesota Statutes 2012, section 97B.031, by adding a subdivision.

Referred to the Committee on Environment and Energy.

Senator Newman introduced—

S.F. No. 110: A bill for an act relating to human services; providing a property rate increase for certain nursing facilities; amending Minnesota Statutes 2012, section 256B.431, subdivision 44.

Referred to the Committee on Finance.

Senators Hayden, Dzedzic, Hoffman and Tomassoni introduced—

S.F. No. 111: A bill for an act relating to health; creating a grant program for spinal cord injury and traumatic brain injury research; establishing the spinal cord and traumatic brain injury advisory committee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Senators Benson, Gazelka and Brown introduced—

S.F. No. 112: A bill for an act relating to appropriations; appropriating money to study and develop recommendations for implementing a return on taxpayer investment methodology and practices for human services and corrections programs.

Referred to the Committee on Finance.

Senators Sparks, Eken and Dahms introduced—

S.F. No. 113: A bill for an act relating to waters; modifying drainage system provisions; amending Minnesota Statutes 2012, sections 103E.005, subdivisions 4, 6, by adding a subdivision; 103E.101, subdivisions 2, 3, 4, 5, by adding subdivisions; 103E.227, subdivision 1; 103E.525, subdivision 1; 103E.701, subdivisions 1, 6; 103E.715, subdivision 6.

Referred to the Committee on Jobs, Agriculture and Rural Development.

Senator Pratt introduced—

S.F. No. 114: A bill for an act relating to liquor; authorizing a license for Valley Fair.

Referred to the Committee on Commerce.

Senators Pappas, Eken and Hayden introduced—

S.F. No. 115: A bill for an act relating to human services; modifying child care assistance absent days; amending Minnesota Statutes 2012, section 119B.13, subdivision 7.

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

Senator Tomassoni introduced—

S.F. No. 116: A bill for an act relating to motor vehicles; establishing special plates for retired firefighters; amending Minnesota Statutes 2012, section 168.12, subdivision 2b, by adding a subdivision.

Referred to the Committee on Transportation and Public Safety.

Senator Skoe introduced—

S.F. No. 117: A bill for an act relating to capital investment; appropriating money for the Upper Mississippi Center for the Arts; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Hayden, Eaton, Lourey, Rosen and Nienow introduced—

S.F. No. 118: A bill for an act relating to health; changing provisions for radiation therapy facility construction; amending Minnesota Statutes 2012, section 144.5509.

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

Senators Skoe, Rest and Ortman introduced—

S.F. No. 119: A bill for an act relating to taxation; conforming certain income, franchise, and property tax refund provisions for tax year 2012 to the provisions of the Federal Aviation Administration Modernization and Reform Act of 2012 and the American Taxpayer Relief Act of 2012; amending Minnesota Statutes 2012, sections 290.01, subdivisions 19, 31; 290A.03, subdivision 15.

Referred to the Committee on Taxes.

Senator Skoe introduced—

S.F. No. 120: A bill for an act relating to capital improvements; appropriating money for construction and renovation of facilities in Independent School District No. 38, Red Lake; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Sheran moved that the name of Senator Hayden be added as a co-author to S.F. No. 5. The motion prevailed.

Senator Gazelka moved that the name of Senator Rest be added as a co-author to S.F. No. 40. The motion prevailed.

Senator Pratt moved that the names of Senators Weber and Housley be added as co-authors to S.F. No. 88. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Senator Bakk moved that the Senate take up the Confirmation Calendar. The motion prevailed.

CONFIRMATION

Senator Cohen moved that the report from the Committee on Finance, reported January 17, 2013, pertaining to the appointment of the Commissioner of Management and Budget, be taken from the table. The motion prevailed.

Senator Cohen moved that the foregoing report be now adopted. The motion prevailed.

Senator Cohen moved that in accordance with the report from the Committee on Finance, reported January 17, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF MANAGEMENT AND BUDGET
COMMISSIONER

James D. Schowalter, 1875 Carroll Ave., Saint Paul, Ramsey County, effective January 3, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Bonoff moved that the report from the Committee on Higher Education and Workforce Development, reported January 17, 2013, pertaining to the appointment of the Director of Higher Education, be taken from the table. The motion prevailed.

Senator Bonoff moved that the foregoing report be now adopted. The motion prevailed.

Senator Bonoff moved that in accordance with the report from the Committee on Higher Education and Workforce Development, reported January 17, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA OFFICE OF HIGHER EDUCATION
DIRECTOR

Lawrence J. Pogemiller, 201 University Ave. N.E., Minneapolis, Hennepin County, effective November 8, 2011, to complete a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

MEMBERS EXCUSED

Senators Latz, Metzen, Reinert and Weber were excused from the Session of today.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Monday, January 28, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

