

TWELFTH DAY

St. Paul, Minnesota, Monday, February 11, 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. Carl M. Nielsen, III.

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:

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

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.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

February 5, 2013

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

William Faber, 501 W. College Dr., Brainerd, in the county of Morrison, effective February 10, 2013, for a term expiring on January 6, 2014.

Bonnie Harper-Lore, 12505 Ridgemount Ave. W., Minnetonka, in the county of Hennepin, effective February 10, 2013, for a term expiring on January 2, 2017.

Norman Moody, P.O. Box 396, Hackensack, in the county of Cass, effective February 10, 2013, for a term expiring on January 2, 2017.

(Referred to the Committee on Environment and Energy.)

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 Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred

S.F. No. 252: A bill for an act relating to economic development; regulating the Iron Range Resources and Rehabilitation Board; modifying board composition and approval provisions; amending Minnesota Statutes 2012, sections 116J.424; 298.22, subdivisions 5a, 8, 10, 11, by adding a subdivision; 298.221; 298.2211, subdivision 3; 298.2213, subdivision 4; 298.2214, subdivision 6; 298.223, subdivisions 1, 2; 298.227; 298.28, subdivision 9d; 298.292, subdivision 2; 298.294; 298.296, subdivisions 1, 2; 298.2961, subdivisions 2, 4, 5; repealing Minnesota Statutes 2012, section 298.22, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Torres Ray from the Committee on Education, to which was referred

S.F. No. 160: A bill for an act relating to education; increasing the compulsory attendance age; amending Minnesota Statutes 2012, sections 120A.22, subdivisions 5, 11; 120A.24, subdivision 1; 124D.03, subdivision 12; 260C.007, subdivision 19; repealing Minnesota Statutes 2012, section 120A.22, subdivision 8.

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

Page 1, line 9, before the period, insert "unless the child has graduated"

Page 1, line 21, reinstate the stricken "16" and insert "and every child ages 16 through" and after "18" insert "for which an initial report was filed pursuant to section 120A.24, subdivision 1, after the child is 16 and"

Page 2, line 32, reinstate the stricken "16" and insert "and every child ages 16 through" and after "18" insert "for which an initial report was filed pursuant to this subdivision after the child is 16"

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

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

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.

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

Page 2, line 3, strike "August 1, 2014" and insert "December 31, 2020"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 166: A bill for an act relating to emergency medical services; modifying certain provisions to include advanced emergency medical technicians; updating inspection provisions; providing requirements for emergency medical responder registration; amending Minnesota Statutes 2012, sections 144E.101, subdivision 7; 144E.18; 144E.27, subdivision 1, by adding a subdivision; 144E.285, subdivisions 2, 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred the following appointment:

DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT
COMMISSIONER

Katie Clark

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 Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred the following appointment:

DEPARTMENT OF LABOR AND INDUSTRY
COMMISSIONER

Kenneth B. Peterson

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 Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred the following appointment:

IRON RANGE RESOURCES AND REHABILITATION
COMMISSIONER
Anthony Sertich

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 Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred the following appointment:

WORKERS' COMPENSATION COURT OF APPEALS
Patricia J. Milun

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 Sparks from the Committee on Jobs, Agriculture and Rural Development, to which were referred the following appointments:

BOARD OF ELECTRICITY
Douglas Fingerson
James Freichels
William Hoskins
Kim Huxford
Laura Karow
Daniel Klein
John McConnell
Scott Novotny
Anthony Toft
Joseph Vespa
Daniel Westberg

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

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

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which was referred the following appointment:

WORKERS' COMPENSATION COURT OF APPEALS
Gary M. Hall

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 Sparks from the Committee on Jobs, Agriculture and Rural Development, to which were referred the following appointments:

BOARD OF HIGH PRESSURE PIPING SYSTEMS

James Andrie
Robert R. Bastianelli
Marit Brock
David Carlson
Timothy Daugherty
Mark Geisenhoff
Larry Jordan
Mark Kincs
Vicki Sandberg
Chris Savage
Russell Scherber
Larry Stevens, Jr.

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

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

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which were referred the following appointments:

MINNESOTA RURAL FINANCE AUTHORITY

Marcus Knisely
Gary Wertish

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

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

Senator Sparks from the Committee on Jobs, Agriculture and Rural Development, to which were referred the following appointments:

PLUMBING BOARD

Rebecca Ames
Joseph Beckel
Grant Edwards
Chad Filek
John Flagg
Lawrence Justin
James Kittelson
Michael McGowan
Pete Moulton
Gale Mount

John Parizek
Phillip Sterner

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

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

SECOND READING OF SENATE BILLS

S.F. Nos. 252, 118 and 166 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Sheran, Cohen, Latz and Champion introduced—

S.F. No. 347: A bill for an act relating to families; updating the Uniform Interstate Family Support Act; amending Minnesota Statutes 2012, sections 518C.101; 518C.102; 518C.103; 518C.201; 518C.202; 518C.203; 518C.204; 518C.205; 518C.206; 518C.207; 518C.208; 518C.209; 518C.301; 518C.303; 518C.304; 518C.305; 518C.306; 518C.307; 518C.308; 518C.310; 518C.311; 518C.312; 518C.313; 518C.314; 518C.316; 518C.317; 518C.318; 518C.319; 518C.401; 518C.501; 518C.503; 518C.504; 518C.505; 518C.506; 518C.508; 518C.601; 518C.602; 518C.603; 518C.604; 518C.605; 518C.606; 518C.607; 518C.608; 518C.609; 518C.610; 518C.611; 518C.612; 518C.613; 518C.701; 518C.801; 518C.902; proposing coding for new law in Minnesota Statutes, chapter 518C; repealing Minnesota Statutes 2012, section 518C.502.

Referred to the Committee on Judiciary.

Senators Hoffman and Johnson introduced—

S.F. No. 348: A bill for an act relating to capital investment; appropriating money for extending the Northstar commuter rail line from Big Lake to St. Cloud; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Hoffman, Eaton and Rosen introduced—

S.F. No. 349: A bill for an act relating to human services; extending reporting requirements for home and community-based waivers; amending Minnesota Statutes 2012, section 256B.0916, subdivision 7.

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

Senators Franzen, Latz and Rosen introduced—

S.F. No. 350: 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.

Referred to the Committee on Judiciary.

Senators Bakk and Tomassoni introduced—

S.F. No. 351: A bill for an act relating to natural resources; appropriating money for public water access restrooms.

Referred to the Committee on Finance.

Senators Bonoff, Cohen, Tomassoni, Dziedzic and Miller introduced—

S.F. No. 352: A bill for an act relating to economic development; appropriating money for the Minnesota Film and TV Board; amending Minnesota Statutes 2012, section 116U.26.

Referred to the Committee on Finance.

Senator Koenen introduced—

S.F. No. 353: A bill for an act relating to capital improvements; appropriating money for wastewater infrastructure improvements in Sacred Heart; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Chamberlain introduced—

S.F. No. 354: A bill for an act relating to natural resources; permitting the use of muffler cutouts and bypasses in certain circumstances; amending Minnesota Statutes 2012, section 86B.521, subdivision 1.

Referred to the Committee on Environment and Energy.

Senators Eken and Skoe introduced—

S.F. No. 355: A bill for an act relating to capital investment; appropriating money for a waste transfer facility in Becker County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Hoffman, Wiger, Pappas, Wiklund and Scalze introduced—

S.F. No. 356: A bill for an act relating to education finance; authorizing a school district to renew an expiring referendum by action of the school board; amending Minnesota Statutes 2012, section 126C.17, by adding a subdivision.

Referred to the Committee on Education.

Senators Rest, Ruud, Scalze, Kent and Lourey introduced—

S.F. No. 357: A bill for an act relating to public health; banning formaldehyde in certain children's products; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Senators Rosen, Metzen, Gazelka, Dahms and Reinert introduced—

S.F. No. 358: A bill for an act relating to liquor; removing sunset on an exemption provision for the city of Winnebago; amending Laws 2012, chapter 235, section 8.

Referred to the Committee on Commerce.

Senators Pappas, Gazelka, Carlson, Hall and Torres Ray introduced—

S.F. No. 359: A bill for an act relating to state government; designating the month of April as Genocide Awareness and Prevention Month; proposing coding for new law in Minnesota Statutes, chapter 10.

Referred to the Committee on State and Local Government.

Senators Champion, Eaton, Dibble, Dzedzic and Rest introduced—

S.F. No. 360: A bill for an act relating to capital investment; appropriating money for the Bottineau Transit Way corridor; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Champion, Tomassoni, Chamberlain, Eaton and Latz introduced—

S.F. No. 361: A bill for an act relating to employment; limiting reliance on criminal history for employment purposes; applying criminal offender rehabilitation requirements to private employers; providing for remedies; amending Minnesota Statutes 2012, sections 181.981, subdivision 1; 364.02, subdivisions 4, 6; 364.021; 364.03; 364.04; 364.05; 364.06; 364.07; 364.09; 364.10.

Referred to the Committee on Judiciary.

Senators Stumpf, Bonoff, Wiger, Housley and Petersen, B. introduced—

S.F. No. 362: A bill for an act relating to education finance; modifying charter school financing; amending Minnesota Statutes 2012, sections 124D.10, subdivision 25; 127A.45, by adding a subdivision.

Referred to the Committee on Education.

Senators Chamberlain, Saxhaug and Scalze introduced—

S.F. No. 363: A bill for an act relating to emergency medical services; modifying certain reporting requirements; amending Minnesota Statutes 2012, section 144E.123.

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

Senators Chamberlain, Saxhaug and Scalze introduced—

S.F. No. 364: A bill for an act relating to emergency medical services; authorizing local units of government to charge a fee for use of public systems and for certain prehospital care; proposing coding for new law in Minnesota Statutes, chapter 144E.

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

Senators Chamberlain, Saxhaug and Scalze introduced—

S.F. No. 365: A bill for an act relating to emergency medical services; permitting local units of government to designate an ambulance service to serve its area; amending Minnesota Statutes 2012, section 144E.06.

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

Senators Eaton and Torres Ray introduced—

S.F. No. 366: A bill for an act relating to education finance; creating additional funding sources for students in approved recovery programs; appropriating money; amending Minnesota Statutes 2012, sections 126C.01, by adding a subdivision; 126C.05, subdivision 8; 126C.10, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Education.

Senators Reinert, Dibble, Rest, Senjem and Westrom introduced—

S.F. No. 367: A bill for an act relating to public safety; 911 telephone service; providing for collection of 911 fees from prepaid wireless telecommunications services and prepaid wireless E911 services; amending Minnesota Statutes 2012, sections 237.52, subdivision 3, by adding a subdivision; 270B.01, subdivision 8; 270B.12, subdivision 4; 403.02, subdivision 21, by adding subdivisions; 403.06, subdivision 1a; 403.11, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 403.

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

Senators Dahle and Anderson introduced—

S.F. No. 368: A bill for an act relating to public safety; drivers' licenses; driver education; modifying and clarifying provisions relating to instruction permits; establishing a Novice Driver Education Improvement Task Force; appropriating money; amending Minnesota Statutes 2012, sections 171.05, subdivision 2; 171.0701, by adding a subdivision.

Referred to the Committee on Transportation and Public Safety.

Senators Westrom and Ingebrigtsen introduced—

S.F. No. 369: A bill for an act relating to state lands; providing for the sale of certain surplus state land bordering public water in Stevens County.

Referred to the Committee on Environment and Energy.

Senators Newman, Thompson, Rosen and Latz introduced—

S.F. No. 370: A bill for an act relating to assisted reproduction; modifying certain provisions related to determinations of paternity and maternity; amending Minnesota Statutes 2012, sections 257.54; 257.541, subdivision 1; 257.55, subdivision 1.

Referred to the Committee on Judiciary.

Senator Saxhaug introduced—

S.F. No. 371: A bill for an act relating to natural resources; authorizing county intermediate auction sales of timber; amending Minnesota Statutes 2012, section 90.121.

Referred to the Committee on Environment and Energy.

Senators Sparks, Gazelka, Schmit, Chamberlain and Jensen introduced—

S.F. No. 372: A bill for an act relating to workers' compensation reinsurance; eliminating the reinsurance association prefunded limit; amending Minnesota Statutes 2012, section 79.35.

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

Senators Rosen and Marty introduced—

S.F. No. 373: A bill for an act relating to human services; modifying medical assistance coverage to include consultations with psychologists; amending Minnesota Statutes 2012, section 256B.0625, subdivision 48.

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

Senators Hoffman and Goodwin introduced—

S.F. No. 374: A bill for an act relating to local government; changing the requirements for expedited supplemental nutrition assistance; amending Minnesota Statutes 2012, section 393.07, subdivision 10a.

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

Senator Ingebrigtsen introduced—

S.F. No. 375: A bill for an act relating to education; clarifying the objectives of local education and employment transition systems; amending Minnesota Statutes 2012, section 124D.49, subdivision 3.

Referred to the Committee on Education.

Senator Ingebrigtsen introduced—

S.F. No. 376: A bill for an act relating to higher education; requiring variable tuition rates to encourage student participation in certain programs; amending Minnesota Statutes 2012, section 136F.70, subdivision 1.

Referred to the Committee on Higher Education and Workforce Development.

Senators Pederson, J.; Dzedzic; Dibble; Rosen and Sheran introduced—

S.F. No. 377: A bill for an act relating to public safety; traffic regulations; authorizing local authorities to regulate traffic at intersections using traffic safety cameras; amending Minnesota Statutes 2012, sections 169.011, by adding a subdivision; 169.04.

Referred to the Committee on Transportation and Public Safety.

Senator Petersen, B. introduced—

S.F. No. 378: A bill for an act relating to capital investment; appropriating money for the Highway 10 and Armstrong Boulevard Interchange in the city of Ramsey; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Sieben, Ruud, Latz and Hoffman introduced—

S.F. No. 379: A bill for an act relating to children's health; prohibiting sale of children's food containers containing bisphenol-A; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Commerce.

Senators Hawj, Tomassoni, Sparks and Nelson introduced—

S.F. No. 380: A bill for an act relating to workforce development; adding a representative from adult basic education programs to the Workforce Development Council; amending Minnesota Statutes 2012, section 116L.665, subdivision 2.

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

Senators Champion, Senjem, Carlson, Wiger and Pederson, J. introduced—

S.F. No. 381: A bill for an act relating to public safety; drivers' licenses; increasing the filing fee charged by driver's license agents; amending Minnesota Statutes 2012, section 171.061, subdivision 4.

Referred to the Committee on Finance.

Senators Sieben, Marty, Goodwin and Latz introduced—

S.F. No. 382: A bill for an act relating to commerce; regulating bullion coin dealers; requiring registration; prohibiting certain conduct; providing enforcement authority and criminal penalties; proposing coding for new law as Minnesota Statutes, chapter 80G.

Referred to the Committee on Commerce.

Senators Sieben and Dibble introduced—

S.F. No. 383: A bill for an act relating to motor vehicles; imposing penalty surcharge for late payment of vehicle registration tax; amending Minnesota Statutes 2012, sections 168.013, subdivision 8; 168.31, by adding a subdivision.

Referred to the Committee on Finance.

Senators Pappas, Sheran, Lourey and Franzen introduced—

S.F. No. 384: A bill for an act relating to sexually exploited youth; establishing a director of child sex trafficking prevention; modifying provisions relating to sexually exploited youth; establishing and amending grant programs relating to combatting sexual exploitation of youth; providing related services and housing to victims; appropriating money; amending Minnesota Statutes 2012, sections 260B.007, subdivisions 6, 16; 260C.007, subdivisions 6, 31; 260C.176, subdivisions 1, 3, 5; 260C.178, subdivision 1; 260C.181, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 2012, section 609.093.

Referred to the Committee on Judiciary.

Senator Dibble introduced—

S.F. No. 385: A bill for an act relating to data practices; classifying data related to automated license plate readers; requiring a log of use; requiring data to be destroyed in certain circumstances; amending Minnesota Statutes 2012, section 13.82, by adding a subdivision.

Referred to the Committee on Judiciary.

Senators Saxhaug, Hoffman, Eken and Bakk introduced—

S.F. No. 386: A bill for an act relating to taxation; property; modifying the definition of referendum market value; modifying the state general levy; amending Minnesota Statutes 2012, sections 126C.01, subdivision 3; 275.025, subdivisions 1, 4; repealing Minnesota Statutes 2012, section 275.025, subdivision 3.

Referred to the Committee on Taxes.

Senators Saxhaug, Skoe and Bakk introduced—

S.F. No. 387: A bill for an act relating to local aid payments; providing for inflation adjustments to payments in lieu of taxes for certain natural resource lands; appropriating money; amending Minnesota Statutes 2012, sections 477A.12, subdivision 1; 477A.14, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

Referred to the Committee on Taxes.

Senators Carlson, Wiklund and Rest introduced—

S.F. No. 388: A bill for an act relating to commerce; regulating building and construction contracts and indemnification agreements; amending Minnesota Statutes 2012, sections 337.01; 337.02; 337.05, subdivision 1; 337.10.

Referred to the Committee on Judiciary.

Senator Eken introduced—

S.F. No. 389: A bill for an act relating to taxation; providing a supplemental allocation for the border city program; amending Minnesota Statutes 2012, section 469.169, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Eken, Skoe and Stumpf introduced—

S.F. No. 390: A bill for an act relating to capital investment; appropriating money for the Heartland State Trail; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Kent, Wiger and Sieben introduced—

S.F. No. 391: A bill for an act relating to capital investment; appropriating money for acquisition of land for the Fish Creek Natural Greenway; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Latz introduced—

S.F. No. 392: A bill for an act relating to civil actions; modifying the limitations of actions for damages based on services or construction to improve real property; amending Minnesota Statutes 2012, section 541.051.

Referred to the Committee on Judiciary.

Senator Limmer introduced—

S.F. No. 393: A bill for an act relating to taxation; authorizing the city of Maple Grove to create a soil deficiency tax increment financing district subject to special rules.

Referred to the Committee on Taxes.

Senator Koenen introduced—

S.F. No. 394: A bill for an act relating to taxation; property; clarifying the definition of real property; amending Minnesota Statutes 2012, section 272.03, subdivision 1.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Champion moved that the name of Senator Petersen, B. be added as a co-author to S.F. No. 71. The motion prevailed.

Senator Champion moved that the name of Senator Petersen, B. be added as a co-author to S.F. No. 73. The motion prevailed.

Senator Reinert moved that the name of Senator Petersen, B. be added as a co-author to S.F. No. 225. The motion prevailed.

Senator Goodwin moved that the name of Senator Sheran be added as a co-author to S.F. No. 346. The motion prevailed.

Senator Chamberlain moved that S.F. No. 131 be withdrawn from the Committee on Taxes and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Skoe moved that S.F. No. 177 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes. 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 Pappas moved that the report from the Committee on State and Local Government, reported January 31, 2013, pertaining to the appointment of the Director of the State Lottery, be taken from the table. The motion prevailed.

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

Senator Pappas moved that in accordance with the report from the Committee on State and Local Government, reported January 31, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

**MINNESOTA STATE LOTTERY
DIRECTOR**

Edwin Van Petten, 2622 Sawgrass Dr., Lawrence, Kansas, Douglas County, effective March 1, 2012.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Pappas moved that the report from the Committee on State and Local Government, reported January 31, 2013, pertaining to the appointment of the Chair of the Metropolitan Council, be taken from the table. The motion prevailed.

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

Senator Pappas moved that in accordance with the report from the Committee on State and Local Government, reported January 31, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

METROPOLITAN COUNCIL
CHAIR

Susan M. Haigh, 910 Fairmount Ave., Saint Paul, Ramsey County, effective January 3, 2011, for a term expiring on January 5, 2015.

The question was taken on the adoption of the Pappas motion to consent to and confirm the appointment of Susan M. Haigh.

The roll was called, and there were yeas 44 and nays 17, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Gazelka	Kiffmeyer	Ortman	Westrom
Brown	Hall	Limmer	Osmek	
Chamberlain	Hann	Newman	Pratt	
Fischbach	Ingebrigtsen	Nienow	Thompson	

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Pappas moved that the report from the Committee on State and Local Government, reported January 31, 2013, pertaining to the appointment of the Chief Information Officer, be taken from the table. The motion prevailed.

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

Senator Pappas moved that in accordance with the report from the Committee on State and Local Government, reported January 31, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

OFFICE OF ENTERPRISE TECHNOLOGY
CHIEF INFORMATION OFFICER

Carolyn Parnell, 3319 – 34th Ave. S., Minneapolis, Hennepin County, effective February 7, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

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.

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 Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 5: A bill for an act relating to human services; expanding medical assistance eligibility; requiring the use of modified adjusted gross income and a standard income disregard; amending Minnesota Statutes 2012, sections 256B.02, by adding a subdivision; 256B.055, by adding a subdivision; 256B.056, subdivisions 1a, 3, 3c, 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 256B.02, is amended by adding a subdivision to read:

Subd. 17. **Affordable Care Act or ACA.** "Affordable Care Act" or "ACA" means Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments to, or regulations or guidance issued under, those acts.

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 2. Minnesota Statutes 2012, section 256B.055, is amended by adding a subdivision to read:

Subd. 16. **Children ages 19 and 20.** Medical assistance may be paid for children who are 19 to 20 years of age.

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 3. Minnesota Statutes 2012, section 256B.056, subdivision 1a, is amended to read:

Subd. 1a. **Income and assets generally.** (a)(1) Unless specifically required by state law or rule or federal law or regulation, the methodologies used in counting income and assets to determine eligibility for medical assistance for persons whose eligibility category is based on blindness, disability, or age of 65 or more years, the methodologies for the supplemental security income program shall be used, except as provided under subdivision 3, paragraph (a), clause (6).

(2) Increases in benefits under title II of the Social Security Act shall not be counted as income for purposes of this subdivision until July 1 of each year. Effective upon federal approval, for children eligible under section 256B.055, subdivision 12, or for home and community-based waiver services whose eligibility for medical assistance is determined without regard to parental income, child support payments, including any payments made by an obligor in satisfaction of or in addition to a temporary or permanent order for child support, and Social Security payments are not counted as income. ~~For families and children, which includes all other eligibility categories, the methodologies under the state's AFDC plan in effect as of July 16, 1996, as required by the Personal Responsibility~~

and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, shall be used, except that effective October 1, 2003, the earned income disregards and deductions are limited to those in subdivision 1c.

(b)(1) The modified adjusted gross income methodology as defined in the Affordable Care Act shall be used for eligibility categories based on:

(i) children under age 19 and their parents and relative caretakers as defined in section 256B.055, subdivision 3a;

(ii) children ages 19 to 20 as defined in section 256B.055, subdivision 16;

(iii) pregnant women as defined in section 256B.055, subdivision 6;

(iv) infants as defined in sections 256B.055, subdivision 10, and 256B.057, subdivision 8; and

(v) adults without children as defined in section 256B.055, subdivision 15.

For these purposes, a "methodology" does not include an asset or income standard, or accounting method, or method of determining effective dates.

(2) For individuals whose income eligibility is determined using the modified adjusted gross income methodology in clause (1), the commissioner shall subtract from the individual's modified adjusted gross income an amount equivalent to five percent of the federal poverty guidelines.

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 4. Minnesota Statutes 2012, section 256B.056, subdivision 3c, is amended to read:

Subd. 3c. **Asset limitations for families and children.** (a) A household of two or more persons must not own more than \$20,000 in total net assets, and a household of one person must not own more than \$10,000 in total net assets. In addition to these maximum amounts, an eligible individual or family may accrue interest on these amounts, but they must be reduced to the maximum at the time of an eligibility redetermination. The value of assets that are not considered in determining eligibility for medical assistance for families and children is the value of those assets excluded under the AFDC state plan as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, with the following exceptions:

(1) household goods and personal effects are not considered;

(2) capital and operating assets of a trade or business up to \$200,000 are not considered, except that a bank account that contains personal income or assets, or is used to pay personal expenses, is not considered a capital or operating asset of a trade or business;

(3) one motor vehicle is excluded for each person of legal driving age who is employed or seeking employment;

(4) assets designated as burial expenses are excluded to the same extent they are excluded by the Supplemental Security Income program;

(5) court-ordered settlements up to \$10,000 are not considered;

(6) individual retirement accounts and funds are not considered;

(7) assets owned by children are not considered; and

(8) effective July 1, 2009, certain assets owned by American Indians are excluded as required by section 5006 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5. For purposes of this clause, an American Indian is any person who meets the definition of Indian according to Code of Federal Regulations, title 42, section 447.50.

The assets specified in clause (2) must be disclosed to the local agency at the time of application and at the time of an eligibility redetermination, and must be verified upon request of the local agency.

(b) Beginning January 1, 2014, this subdivision applies only to parents and caretaker relatives who qualify for medical assistance under subdivision 5.

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 5. Minnesota Statutes 2012, section 256B.056, subdivision 4, is amended to read:

Subd. 4. **Income.** (a) To be eligible for medical assistance, a person eligible under section 256B.055, subdivisions 7, 7a, and 12, may have income up to 100 percent of the federal poverty guidelines. Effective January 1, 2000, and each successive January, recipients of supplemental security income may have an income up to the supplemental security income standard in effect on that date.

(b) To be eligible for medical assistance, families and children may have an income up to 133-1/3 percent of the AFDC income standard in effect under the July 16, 1996, AFDC state plan. Effective July 1, 2000, the base AFDC standard in effect on July 16, 1996, shall be increased by three percent.

(c) ~~Effective July 1, 2002~~ Effective January 1, 2014, to be eligible for medical assistance, ~~families and children under section 256B.055, subdivision 3a,~~ a parent or caretaker relative may have an income up to 100 133 percent of the federal poverty guidelines for the family household size.

(d) To be eligible for medical assistance under section 256B.055, subdivision 15, a person may have an income up to ~~75~~ 133 percent of federal poverty guidelines for the family household size.

~~(e) In computing income to determine eligibility of persons under paragraphs (a) to (d) who are not residents of long-term care facilities, the commissioner shall disregard increases in income as required by Public Laws 94-566, section 503; 99-272; and 99-509. Veterans aid and attendance benefits and Veterans Administration unusual medical expense payments are considered income to the recipient~~ To be eligible for medical assistance under section 256B.055, subdivision 16, a child may have an income up to 133 percent of the federal poverty guidelines for the household size.

~~(f) In computing income to determine eligibility of persons under paragraphs (a) to (e) who are not residents of long-term care facilities, the commissioner shall disregard increases in income as required by Public Laws 94-566, section 503; 99-272; and 99-509. For persons eligible under paragraph (a), veteran aid and attendance benefits and Veterans Administration unusual medical expense payments are considered income to the recipient.~~

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 6. **TRANSFER.**

The commissioner of management and budget shall transfer from the health care access fund to the general fund up to \$21,319,000 in fiscal year 2014; up to \$42,314,000 in fiscal year 2015; up to \$56,147,000 in fiscal year 2016; and up to \$64,683,000 in fiscal year 2017, to pay the medical assistance costs for persons eligible for medical assistance as a result of the January 1, 2014,

expansion of medical assistance eligibility in this act who were or would have been eligible for MinnesotaCare as of December 31, 2013."

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 5 was read the second time.

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 First Reading of House Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 6 and 9.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted February 11, 2013

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 6: 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.

Senator Bakk moved that H.F. No. 6 be laid on the table. The motion prevailed.

H.F. No. 9: A bill for an act relating to human services; expanding medical assistance eligibility; requiring the use of modified adjusted gross income and a standard income disregard; amending Minnesota Statutes 2012, sections 256B.02, by adding a subdivision; 256B.055, by adding a subdivision; 256B.056, subdivisions 1a, 3c, 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 5, now on General Orders.

MEMBERS EXCUSED

Senators Anderson, Latz, Ruud, Senjem and Sparks were excused from the Session of today. Senator Hayden was excused from the Session of today from 11:00 to 11:30 a.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Wednesday, February 13, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate