

## SPECIAL SESSION

## FIRST DAY

St. Paul, Minnesota, Monday, September 9, 2013

The Senate met at 10:00 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 Secretary called the roll by legislative district in numerical order as follows:

First District . . . . .	LeRoy A. Stumpf
Second District . . . . .	Rod Skoe
Third District . . . . .	Thomas M. Bakk
Fourth District . . . . .	Kent Eken
Fifth District . . . . .	Tom Saxhaug
Sixth District . . . . .	David J. Tomassoni
Seventh District . . . . .	Roger J. Reinert
Eighth District . . . . .	Bill G. Ingebrigtsen
Ninth District . . . . .	Paul E. Gazelka
Tenth District . . . . .	Carrie Ruud
Eleventh District . . . . .	Tony Lourey
Twelfth District . . . . .	Torrey N. Westrom
Thirteenth District . . . . .	Michelle L. Fischbach
Fourteenth District . . . . .	John C. Pederson
Fifteenth District . . . . .	David M. Brown
Sixteenth District . . . . .	Gary H. Dahms
Seventeenth District . . . . .	Lyle Koenen
Eighteenth District . . . . .	Scott J. Newman
Nineteenth District . . . . .	Kathy Sheran
Twentieth District . . . . .	Kevin L. Dahle
Twenty-First District . . . . .	Matt Schmit
Twenty-Second District . . . . .	Bill Weber
Twenty-Third District . . . . .	Julie A. Rosen
Twenty-Fourth District . . . . .	Vicki Jensen

Twenty-Fifth District	David H. Senjem
Twenty-Sixth District	Carla J. Nelson
Twenty-Seventh District	Dan Sparks
Twenty-Eighth District	Jeremy R. Miller
Twenty-Ninth District	Bruce D. Anderson
Thirtieth District	Mary Kiffmeyer
Thirty-First District	Michelle R. Benson
Thirty-Second District	Sean R. Nienow
Thirty-Third District	David J. Osmek
Thirty-Fourth District	Warren Limmer
Thirty-Fifth District	Branden Petersen
Thirty-Sixth District	John A. Hoffman
Thirty-Seventh District	Alice M. Johnson
Thirty-Eighth District	Roger C. Chamberlain
Thirty-Ninth District	Karin Housley
Fortieth District	Chris A. Eaton
Forty-First District	Barb J. Goodwin
Forty-Second District	Bev Scalze
Forty-Third District	Charles W. Wiger
Forty-Fourth District	Terri E. Bonoff
Forty-Fifth District	Ann H. Rest
Forty-Sixth District	Ron Latz
Forty-Seventh District	Julianne E. Ortman
Forty-Eighth District	David W. Hann
Forty-Ninth District	Melisa Franzen
Fiftieth District	Melissa Halvorson Wiklund
Fifty-First District	Jim Carlson
Fifty-Second District	James P. Metzen
Fifty-Third District	Susan Kent
Fifty-Fourth District	Katie Sieben
Fifty-Fifth District	Eric R. Pratt
Fifty-Sixth District	Dan D. Hall
Fifty-Seventh District	Greg D. Clausen
Fifty-Eighth District	Dave A. Thompson
Fifty-Ninth District	Bobby Joe Champion
Sixtieth District	Kari Dziedzic
Sixty-First District	D. Scott Dibble
Sixty-Second District	Jeff Hayden
Sixty-Third District	Patricia Torres Ray
Sixty-Fourth District	Richard J. Cohen
Sixty-Fifth District	Sandra L. Pappas
Sixty-Sixth District	John Marty
Sixty-Seventh District	Foung Hawj

The President declared a quorum present.

**STATE OF MINNESOTA****PROCLAMATION FOR SPECIAL SESSION 2013**

WHEREAS: The Minnesota Constitution allows the Governor to call a special session of the Legislature on "extraordinary occasions;" and

WHEREAS: From June 20, 2013 through June 26, 2013, severe storms and flooding occurred, causing historic damage to the Counties of Benton, Big Stone, Douglas, Faribault, Fillmore, Freeborn, Grant, Houston, McLeod, Hennepin, Morrison, Pope, Sibley, Stearns, Stevens, Swift, Traverse, Wilkin; and

WHEREAS: The Honorable Barack Obama, President of the United States of America, declared that a major disaster exists in the State of Minnesota, and granted federal aid for public infrastructure; and

WHEREAS: I have exercised my emergency powers under existing law to direct agency resources to affected individuals and local governments; however, the immediate needs in the disaster areas far exceed available federal and state resources; and

WHEREAS: I have consulted with legislative leaders and have reached an agreement that immediate action by the State Legislature is necessary to provide assistance and aid to impacted local governments, business, and individuals; and

WHEREAS: The people of Minnesota are best served by a one-day special session with the limited agenda of passing a 2013 Disaster Relief Appropriations Bill; and

WHEREAS: Elected leaders of the Legislature have agreed upon an agenda and procedure to complete a special session within one legislative day.

NOW THEREFORE, I, Mark Dayton, Governor of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Monday, September 9, 2013, at 10:00 a.m. at the State Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this 6th day of September.

Sincerely,  
Mark Dayton, Governor

Sincerely,  
Mark Ritchie, Secretary of State

**MOTIONS AND RESOLUTIONS****Senators Bakk and Hann introduced –**

**Senate Resolution No. 1:** A Senate resolution relating to organization and operation of the Senate during the Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Senate is organized under Minnesota Statutes, sections 3.073 and 3.103.

The Rules of the Senate for the 88th Legislature are the Rules for the Special Session, except that Rules 3.5, 5 and 9 are not operative other than as provided in this resolution.

The Committee on Rules and Administration is established in the same manner and with the same powers as in the 88th Legislature.

With respect to Rule 30, Reconsideration, a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made, and when made has priority over other business except a motion to adjourn.

Senator Bakk moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

## MOTIONS AND RESOLUTIONS - CONTINUED

**Senators Bakk and Hann introduced –**

**Senate Resolution No. 2:** A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized under the Minnesota Constitution and Minnesota Statutes.

Senator Bakk moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

**Senators Cohen, Sparks, Wiklund, Westrom and Miller introduced—**

**S.F. No. 1:** A bill for an act relating to disaster assistance; appropriating money to match federal disaster aid for the June 2013 severe storms and flooding; appropriating money for the April 2013 winter storms; reducing prior appropriations.

Senator Bakk moved that S.F. No. 1 be laid on the table. The motion prevailed.

**Senators Saxhaug, Metzen and Hoffman introduced—**

**S.F. No. 2:** A bill for an act relating to natural disasters; creating a disaster response contingency account to partially match federal disaster assistance when the legislature is not in session; appropriating money; amending Minnesota Statutes 2012, section 12A.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 12A.

Referred to the Committee on Rules and Administration.

**Senator Dibble introduced—**

**S.F. No. 3:** A bill for an act relating to education; providing for safe and supportive schools by prohibiting bullying; authorizing rulemaking; amending Minnesota Statutes 2012, sections 120B.36, subdivision 1, as amended; 121A.55; 122A.60, subdivisions 1a, 3; 124D.10, subdivision 8, as amended; 124D.895, subdivision 1; 124D.8955; 125B.15; 127A.42, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 121A; 127A; repealing Minnesota Statutes 2012, sections 121A.03; 121A.0695.

Referred to the Committee on Rules and Administration.

**Senators Schmit and Sparks introduced—**

**S.F. No. 4:** A bill for an act relating to taxation; sales and use; repealing the tax on storage and warehousing services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senator Schmit introduced—**

**S.F. No. 5:** A bill for an act relating to taxation; sales and use; reinstating the exemption for telecommunications equipment; amending Minnesota Statutes 2012, section 297A.68, by adding a subdivision.

Referred to the Committee on Rules and Administration.

**Senators Senjem and Newman introduced—**

**S.F. No. 6:** A bill for an act relating to sales and use tax; repealing the tax on storage and warehousing services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Senjem and Newman introduced—**

**S.F. No. 7:** A bill for an act relating to taxation; corporate franchise; modifying rules for foreign operating corporations and exclusion of foreign royalties; amending Minnesota Statutes 2012, sections 289A.08, subdivision 3, as amended; 290.01, subdivisions 19c, as amended, 19d, as amended, by adding a subdivision; 290.0921, subdivision 3, as amended, by adding a subdivision; 290.095, subdivision 2, as amended; 290.10, subdivision 1, as amended; 290.17, subdivision 4, as amended; 290.191, subdivision 5, as amended.

Referred to the Committee on Rules and Administration.

**Senators Senjem and Newman introduced—**

**S.F. No. 8:** A bill for an act relating to sales and use tax; repealing the tax on repairing and maintaining electronic and precision equipment; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Senjem and Newman introduced—**

**S.F. No. 9:** A bill for an act relating to taxation; sales and use; repealing the tax on repairing and maintaining commercial and industrial machinery and equipment; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Chamberlain, Hall and Newman introduced—**

**S.F. No. 10:** A bill for an act relating to taxation; sales and use; repealing the tax on certain business transactions; amending Minnesota Statutes 2012, sections 297A.61, subdivision 3, as amended; 297A.68, by adding a subdivision.

Referred to the Committee on Rules and Administration.

**Senators Nelson, Newman and Brown introduced—**

**S.F. No. 11:** A bill for an act relating to sales and use tax; repealing the tax on storage and warehousing services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Nelson, Newman and Brown introduced—**

**S.F. No. 12:** A bill for an act relating to taxation; sales and use; reinstating the exemption for telecommunications equipment; amending Minnesota Statutes 2012, section 297A.68, by adding a subdivision.

Referred to the Committee on Rules and Administration.

**Senators Westrom, Hall, Ingebrigtsen, Newman and Osmek introduced—**

**S.F. No. 13:** A bill for an act relating to taxation; sales and use; repealing the tax on repairing and maintaining commercial and industrial machinery and equipment; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Westrom, Hall, Ingebrigtsen, Newman and Osmek introduced—**

**S.F. No. 14:** A bill for an act relating to sales and use tax; repealing the tax on repairing and maintaining electronic and precision equipment; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Westrom, Hall, Ingebrigtsen, Newman and Osmek introduced—**

**S.F. No. 15:** A bill for an act relating to sales and use tax; repealing the tax on storage and warehousing services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Thompson, Limmer, Anderson, Newman and Kiffmeyer introduced—**

**S.F. No. 16:** A bill for an act relating to taxation; sales and use; repealing the tax on storage and warehousing services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senator Sparks introduced—**

**S.F. No. 17:** A bill for an act relating to sales and use tax; repealing the tax on labor for farm equipment repair services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Ortman and Newman introduced—**

**S.F. No. 18:** A bill for an act relating to sales and use tax; repealing the tax on storage and warehousing services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Ortman and Newman introduced—**

**S.F. No. 19:** A bill for an act relating to taxation; sales and use; repealing the tax on certain business transactions; amending Minnesota Statutes 2012, sections 297A.61, subdivision 3, as amended; 297A.68, by adding a subdivision.

Referred to the Committee on Rules and Administration.

**Senators Nienow, Newman, Osmek, Benson and Hall introduced—**

**S.F. No. 20:** A bill for an act relating to taxation; sales and use; reinstating the exemption for telecommunications equipment; amending Minnesota Statutes 2012, section 297A.68, by adding a subdivision.

Referred to the Committee on Rules and Administration.

**Senators Osmek, Newman, Dahms, Gazelka and Benson introduced—**

**S.F. No. 21:** A bill for an act relating to taxation; sales and use; repealing the tax on certain repair and maintenance services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Hall, Pratt, Dahms, Osmek and Newman introduced—**

**S.F. No. 22:** A bill for an act relating to taxation; sales and use; repealing the tax on storage and warehousing services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senator Anderson introduced—**

**S.F. No. 23:** A bill for an act relating to the military; appropriating money for a grant to support activities related to the commissioning of the USS Minnesota.

Referred to the Committee on Rules and Administration.

**Senators Weber, Dahms, Pratt, Hall and Newman introduced—**

**S.F. No. 24:** A bill for an act relating to taxation; sales and use; repealing the tax on repairing and maintaining commercial and industrial machinery and equipment; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.



**Senators Nienow, Newman, Osmek and Chamberlain introduced—**

**S.F. No. 25:** A bill for an act relating to stadiums; requiring private stadium revenues to be paid into the state treasury; requiring stand-alone owner payment; amending elements of the stadium financing package; amending Minnesota Statutes 2012, section 473J.15, by adding subdivisions.

Referred to the Committee on Rules and Administration.

**Senators Benson, Thompson, Brown and Newman introduced—**

**S.F. No. 26:** A bill for an act relating to collective bargaining; repealing the authorization for collective bargaining among family child care providers; repealing Laws 2013, chapter 128, article 1, sections 1; 2; 3; 4; 5; 6; 7.

Referred to the Committee on Rules and Administration.

**Senators Nelson and Newman introduced—**

**S.F. No. 27:** A bill for an act relating to taxation; corporate franchise; modifying rules for exclusion of foreign royalties; amending Minnesota Statutes 2012, sections 290.01, subdivision 19d, as amended; 290.0921, subdivision 3, as amended; 290.095, subdivision 2, as amended; 290.10, subdivision 1, as amended; 290.17, subdivision 4, as amended; 290.191, subdivision 5, as amended.

Referred to the Committee on Rules and Administration.

**Senators Newman, Thompson, Westrom and Senjem introduced—**

**S.F. No. 28:** A bill for an act relating to taxation; sales and use; repealing the tax on repairing and maintaining commercial and industrial machinery and equipment; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Miller, Nelson, Kiffmeyer and Rosen introduced—**

**S.F. No. 29:** A bill for an act relating to taxation; sales and use; repealing the tax on certain repair and maintenance services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Brown, Hann and Housley introduced—**

**S.F. No. 30:** A bill for an act relating to taxation; sales and use; repealing the tax on certain repair and maintenance services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Brown, Hann and Housley introduced—**

**S.F. No. 31:** A bill for an act relating to taxation; sales and use; repealing the tax on storage and warehousing services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**Senators Brown, Hann, Housley and Kiffmeyer introduced—**

**S.F. No. 32:** A bill for an act relating to taxation; sales and use; reinstating the exemption for telecommunications equipment; amending Minnesota Statutes 2012, section 297A.68, by adding a subdivision.

Referred to the Committee on Rules and Administration.

**Senators Chamberlain, Benson, Osmek and Brown introduced—**

**S.F. No. 33:** A bill for an act relating to taxation; sales and use; repealing the tax on storage and warehousing services; amending Minnesota Statutes 2012, section 297A.61, subdivision 3, as amended.

Referred to the Committee on Rules and Administration.

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is now duly organized for the 2013 Special Session pursuant to law.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted September 9, 2013

**RECESS**

Senator Bakk moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Bakk moved that S.F. No. 1 be taken from the table. The motion prevailed.

**S.F. No. 1:** A bill for an act relating to disaster assistance; appropriating money to match federal disaster aid for the June 2013 severe storms and flooding; appropriating money for the April 2013 winter storms; reducing prior appropriations.

### SUSPENSION OF RULES

Senator Bakk moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1 and that the rules of the Senate be so far suspended as to give S.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 1 was read the second time.

S.F. No. 1 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

**Senator Reinert introduced—**

**S.F. No. 34:** A bill for an act relating to the military; appropriating money for a grant to support activities related to the commissioning of the USS Minnesota.

Referred to the Committee on Rules and Administration.

**MOTIONS AND RESOLUTIONS - CONTINUED****Senators Bakk and Hann introduced –**

**Senate Resolution No. 3:** A Senate resolution relating to adjournment of the Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the Governor and the House of Representatives that the Senate is about to adjourn the Special Session sine die.

The Secretary of the Senate may correct and approve the Journal of the Senate for the Special Session.

Senator Bakk moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bill was read the first time.

**Senators Dziejic, Tomassoni and Dibble introduced—**

**S.F. No. 35:** A bill for an act relating to transportation; amending provisions relating to municipal consent for certain highway projects by requiring local public hearings; requiring commissioner of transportation to increase public participation in decisions concerning highway noise abatement; proposing coding for new law in Minnesota Statutes, chapter 161.

Referred to the Committee on Rules and Administration.

**MEMBERS EXCUSED**

Senators Anderson, Limmer, Marty, Reinert, Rest, Ruud, Saxhaug and Scalze were excused from the Session of today. Senators Dibble, Latz and Nienow were excused from the Session of today from 10:00 to 10:25 a.m.

**ADJOURNMENT**

Senator Bakk moved that the Senate do now adjourn the Special Session sine die. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

