

SIXTY-SEVENTH DAY

St. Paul, Minnesota, Monday, January 30, 2012

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Senator Ortman 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. Dr. David Van Dyke.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America, led by military service veteran, Mr. Dick Carroll.

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

Bakk	Gazelka	Koch	Nelson	Sieben
Benson	Gerlach	Kruse	Newman	Skoe
Bonoff	Gimse	Kubly	Nienow	Sparks
Brown	Goodwin	Langseth	Olson	Stumpf
Carlson	Hall	Latz	Ortman	Thompson
Chamberlain	Hann	Lillie	Pappas	Tomassoni
Cohen	Harrington	Limmer	Parry	Torres Ray
Dahms	Hayden	Lourey	Pederson	Vandever
Daley	Higgins	Magnus	Reinert	Wiger
DeKruif	Hoffman	Marty	Rest	Wolf
Dibble	Howe	McGuire	Robling	
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.

RECESS

Senator Ortman moved that the Senate do now recess until 1:30 p.m. The motion prevailed.

The hour of 1:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

January 30, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

Pursuant to Senate Rule 8.2, the following appointment has been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on Jobs and Economic Growth, to which was referred the following appointment as reported in the Journal for January 24, 2011:

COMMISSIONER OF LABOR AND INDUSTRY
Kenneth Peterson

Sincerely,
Cal R. Ludeman
Secretary of the Senate

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 9: A Senate concurrent resolution relating to adjournment for more than three days.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned January 26, 2012

REPORTS OF COMMITTEES

Senator Senjem moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Magnus from the Committee on Agriculture and Rural Economies, to which was referred

S.F. No. 1527: A bill for an act relating to agriculture; providing for voluntary certification

of good manufacturing practices for commercial feed and feed ingredients; authorizing fees for voluntary certification; modifying rule provisions relating to animal feed; appropriating money; amending Minnesota Statutes 2010, section 25.40, subdivisions 1, 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 25; repealing Minnesota Rules, parts 1510.2220; 1510.2230.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State Government Innovation and Veterans. Report adopted.

Senator Magnus from the Committee on Agriculture and Rural Economies, to which was referred

S.F. No. 576: A bill for an act relating to agriculture; repealing obsolete provisions on county seed and feed loans; repealing Minnesota Statutes 2010, sections 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; 395.24.

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1240: A bill for an act relating to public safety; making changes to the DWI, off-highway vehicle, drive-by shooting, designated offense, and controlled substance forfeiture laws to provide more uniformity; raising the monetary cap on the value of certain property forfeitures that may be adjudicated in conciliation court; prohibiting forfeited property from being sold to prosecuting authorities or persons related to prosecuting authorities; amending Minnesota Statutes 2010, sections 84.7741, subdivisions 2, 3, 4, 8, 9, 10, by adding a subdivision; 169A.63, subdivisions 2, 3, 4, 8, 9, 10, by adding a subdivision; 491A.01, subdivision 3; 609.531, subdivision 1; 609.5314, subdivisions 2, 3; 609.5315, subdivisions 1, 5, 5a, 5b; 609.5318, subdivisions 2, 3.

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

Page 2, lines 4 and 20, delete "2011" and insert "2012"

Page 3, line 33, delete the new language and strike ", Hmong, and Spanish" and after the period, insert "This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English."

Page 5, line 13, delete "2011" and insert "2012"

Page 7, line 20, delete "2011" and insert "2012"

Page 8, lines 4 and 19, delete "2011" and insert "2012"

Page 9, line 34, delete the new language and strike ", Hmong, and Spanish" and after the period, insert "This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English."

Page 11, line 16, delete "2011" and insert "2012"

Page 13, line 30, delete "2011" and insert "2012"

Page 15, after line 28, insert:

"Sec. 17. Minnesota Statutes 2010, section 609.531, subdivision 6a, is amended to read:

Subd. 6a. **Forfeiture a civil procedure; conviction results in presumption.** (a) An action for forfeiture is a civil in rem action and is independent of any criminal prosecution, except as provided in this subdivision and section 609.5318.

(b) An asset is subject to a designated offense forfeiture under section 609.5312 only if the underlying designated offense is established by proof of a criminal conviction.

(c) The appropriate agency handling the forfeiture has the benefit of the evidentiary presumption of section 609.5314, subdivision 1, but otherwise bears the burden of proving the act or omission giving rise to the forfeiture by clear and convincing evidence, except that in cases arising under section 609.5312, the designated offense may only be established by a criminal conviction for forfeitures related to controlled substances.

(d) For all other forfeitures, the appropriate agency handling the forfeiture bears the burden of proving the act or omission by clear and convincing evidence.

~~(b)~~ (e) A court may not issue an order of forfeiture under section 609.5311 while the alleged owner of the property is in custody and related criminal proceedings are pending against the alleged owner. As used in this paragraph, the alleged owner is:

(1) for forfeiture of a motor vehicle, the alleged owner is the registered owner according to records of the Department of Public Safety;

(2) for real property, the alleged owner is the owner of record; and

(3) for other property, the alleged owner is the person notified by the prosecuting authority in filing the forfeiture action.

EFFECTIVE DATE. This section is effective July 1, 2012, and applies to forfeitures initiated on or after that date."

Page 16, line 12, strike ", Hmong, Somali, and Spanish" and after the period, insert "This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English."

Page 16, line 33, delete "2011" and insert "2012"

Page 16, delete section 18 and insert:

"Sec. 19. Minnesota Statutes 2011 Supplement, section 609.5314, subdivision 3, is amended to read:

Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the county attorney prosecuting authority for that county, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01.

The claimant may serve the complaint on the prosecuting authority by any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized property. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the ~~county attorney~~ prosecuting authority and no court fees may be charged for the ~~county attorney's~~ prosecuting authority's appearance in the matter. The hearing must be held at the earliest practicable date, and in any event no later than 180 days following the filing of the demand by the claimant. If a related criminal proceeding is pending, the hearing shall not be held until the conclusion of the criminal proceedings. The district court administrator shall schedule the hearing as soon as practicable after adjudication in the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5."

Page 18, line 33, delete "2011" and insert "2012"

Page 20, line 34, delete ", Hmong, Somali, and Spanish" and after the period, insert "This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English."

Page 21, line 7, delete "2011" and insert "2012"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, before the semicolon, insert "; clarifying the general criminal code forfeiture law, necessity of conviction and burden of proof"

Amend the title numbers accordingly

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

H.F. No. 382: A bill for an act relating to commerce; amending statutes regarding receiverships, assignments for the benefit of creditors, and nonprofit corporations; amending Minnesota Statutes 2010, sections 302A.753, subdivisions 2, 3; 302A.755; 302A.759, subdivision 1; 302A.761; 308A.945, subdivisions 2, 3; 308A.951; 308A.961, subdivision 1; 308A.965; 308B.935, subdivisions 2, 3; 308B.941; 308B.951, subdivision 1; 308B.955; 316.11; 317A.255, subdivision 1; 317A.753, subdivisions 3, 4; 317A.755; 317A.759, subdivision 1; 322B.836, subdivisions 2, 3; 322B.84; 462A.05, subdivision 32; 469.012, subdivision 2i; 540.14; 559.17, subdivision 2; 576.04; 576.06; 576.08; 576.09; 576.11; 576.121; 576.123; 576.144; 576.15; 576.16; proposing coding for new law in Minnesota Statutes, chapters 576; 577; repealing Minnesota Statutes 2010, sections 302A.759, subdivision 2; 308A.961, subdivision 2; 308B.951, subdivisions 2, 3; 317A.759, subdivision 2; 576.01; 577.01; 577.02; 577.03; 577.04; 577.05; 577.06; 577.08; 577.09; 577.10.

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

Page 34, delete section 17

Page 44, after line 9, insert:

"ARTICLE 4

UNIFORM DISCLAIMER OF PROPERTY INTERESTS

Section 1. Minnesota Statutes 2010, section 524.2-1103, is amended to read:

524.2-1103 SCOPE.

~~Sections 524.2-1101 to 524.2-1116 apply to disclaimers of any interest in or power over property, whenever created. Except as provided in section 524.2-1116, sections 524.2-1101 to 524.2-1116 are the exclusive means by which a disclaimer may be made under Minnesota law regardless of whether it is qualified under section 2518 of the Internal Revenue Code of 1986 in effect on January 1, 2010 as defined in section 291.005, subdivision 1, clause 3.~~

Sec. 2. Minnesota Statutes 2010, section 524.2-1104, is amended to read:

524.2-1104 TAX-QUALIFIED DISCLAIMER.

Notwithstanding any other provision of this chapter, other than section 524.2-1106, if, as a result of a disclaimer or transfer, the disclaimed or transferred interest is treated pursuant to the provisions of section 2518 of the Internal Revenue Code of 1986, ~~as in effect on January 1, 2010~~ defined in section 291.005, subdivision 1, clause 3, as never having been transferred to the disclaimant, then the disclaimer or transfer is effective as a disclaimer under sections 524.2-1101 to 524.2-1116.

Sec. 3. Minnesota Statutes 2010, section 524.2-1106, is amended to read:

524.2-1106 WHEN DISCLAIMER IS BARRED OR LIMITED.

(a) A disclaimer is barred by a written waiver of the right to disclaim.

(b) A disclaimer of an interest in property is barred if any of the following events occur before the disclaimer becomes effective:

- (1) the disclaimant accepts the portion of the interest sought to be disclaimed;
- (2) the disclaimant voluntarily assigns, conveys, encumbers, pledges, or transfers the portion of the interest sought to be disclaimed or contracts to do so;
- (3) the portion of the interest sought to be disclaimed is sold pursuant to a judicial sale; or
- (4) the disclaimant is insolvent when the disclaimer becomes irrevocable.

(c) Acceptance of a distribution from a trust shall constitute acceptance of only that portion of the beneficial interest in that trust that has been distributed, and shall not constitute acceptance or bar disclaimer of that portion of the beneficial interest in the trust that has not yet been distributed.

(d) A disclaimer, in whole or in part, of the future exercise of a power held in a fiduciary capacity is not barred by its previous exercise.

~~(d)~~ (e) A disclaimer, in whole or in part, of the future exercise of a power not held in a fiduciary capacity is not barred by its previous exercise unless the power is exercisable in favor of the disclaimant.

~~(e)~~ (f) A disclaimer of an interest in, or a power over, property which is barred by this section is ineffective.

Sec. 4. Minnesota Statutes 2010, section 524.2-1107, is amended to read:

524.2-1107 POWER TO DISCLAIM; GENERAL REQUIREMENTS; WHEN IRREVOCABLE.

(a) A person may disclaim, in whole or in part, any interest in or power over property, including a power of appointment. A person may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim.

(b) With court approval, a fiduciary may disclaim, in whole or in part, any interest in or power over property, including a power of appointment when acting in a representative capacity. Without court approval, a fiduciary may disclaim, in whole or in part, any interest in or power over property, including a power of appointment, if and to the extent that the instrument creating the fiduciary relationship explicitly grants the fiduciary the right to disclaim. With court approval, a custodial parent may disclaim on behalf of a minor child for whom no conservator has been appointed, in whole or in part, any interest in or power over property, including a power of appointment, which the minor child is to receive.

(c) To be effective, a disclaimer must be in writing, declare the writing as a disclaimer, describe the interest or power disclaimed, and be signed by the person or fiduciary making the disclaimer and acknowledged in the manner provided for deeds of real estate to be recorded in this state. In addition, for a disclaimer to be effective, an original of the disclaimer must be delivered or filed in the manner provided in section 524.2-1114.

(d) A partial disclaimer may be expressed as a fraction, percentage, monetary amount, specific property, term of years, portion of a beneficial interest in or right to distributions from a trust, limitation of a power, or any other interest or estate in the property.

(e) A disclaimer becomes irrevocable when the disclaimer is delivered or filed pursuant to section 524.2-1114 or it becomes effective as provided in sections 524.2-1108 to 524.2-1113, whichever occurs later.

(f) A disclaimer made under sections 524.2-1101 to 524.2-1116 is not a transfer, assignment, or release.

Sec. 5. Minnesota Statutes 2010, section 524.2-1114, is amended to read:

524.2-1114 DELIVERY OR FILING.

(a) Subject to paragraphs (b) to (l), delivery of a disclaimer may be effective by personal delivery, first-class mail, or any other method that results in its receipt. A disclaimer sent by first-class mail is deemed to have been delivered on the date it is postmarked. Delivery by any other method is effective upon receipt by the person to whom the disclaimer is to be delivered under this section.

(b) In the case of a disclaimer of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust:

(1) the disclaimer must be delivered to the personal representative of the decedent's estate; or

(2) if no personal representative is serving when the disclaimer is sought to be delivered, the disclaimer must be filed with the clerk of the court in any county where venue of administration would be proper.

(c) In the case of a disclaimer of an interest in a testamentary trust:

(1) the disclaimer must be delivered to the trustee serving when the disclaimer is delivered or, if no trustee is then serving, to the personal representative of the decedent's estate; or

(2) if no personal representative is serving when the disclaimer is sought to be delivered, the disclaimer must be filed with the clerk of the court in any county where venue of administration of the decedent's estate would be proper.

(d) In the case of a disclaimer of an interest in an inter vivos trust:

(1) the disclaimer must be delivered to the trustee serving when the disclaimer is delivered;

(2) if no trustee is then serving, it must be filed with the clerk of the court in any county where the filing of a notice of trust would be proper; or

(3) if the disclaimer is made before the time the instrument creating the trust becomes irrevocable, the disclaimer must be delivered to the person with the power to revoke the revocable trust or the transferor of the interest or to such person's legal representative.

(e) In the case of a disclaimer of an interest created by a beneficiary designation made before the time the designation becomes irrevocable, the disclaimer must be delivered to the person making the beneficiary designation or to such person's legal representative.

(f) In the case of a disclaimer of an interest created by a beneficiary designation made after the time the designation becomes irrevocable, the disclaimer must be delivered to the person obligated to distribute the interest.

(g) In the case of a disclaimer by a surviving holder of jointly held property, the disclaimer must be delivered to the person to whom the disclaimed interest passes or, if such person cannot reasonably be located by the disclaimant, the disclaimer must be delivered as provided in paragraph (b).

(h) In the case of a disclaimer by an object, or taker in default of exercise, of a power of appointment at any time after the power was created, the disclaimer must be delivered to:

(1) the holder of the power; or

(2) the fiduciary acting under the instrument that created the power or, if no fiduciary is serving when the disclaimer is sought to be delivered, filed with a court having authority to appoint the fiduciary.

(i) In the case of a disclaimer by an appointee of a nonfiduciary power of appointment, the disclaimer must be delivered to:

(1) the holder of the power or the personal representative of the holder's estate; or

(2) the fiduciary under the instrument that created the power or, if no fiduciary is serving when the disclaimer is sought to be delivered, filed with a court having authority to appoint the fiduciary.

(j) In the case of a disclaimer by a fiduciary of a power over a trust or estate, the disclaimer must be delivered as provided in paragraph (b), (c), or (d) as if the power disclaimed were an interest in property.

(k) In the case of a disclaimer of a power exercisable by an agent, other than a power exercisable by a fiduciary over a trust or estate, the disclaimer must be delivered to the principal or the principal's representative.

(l) Notwithstanding paragraph (a), delivery of a disclaimer of an interest in or relating to real estate shall be presumed upon the recording of the disclaimer in the office of the ~~clerk of the court~~ county recorder or registrar of titles of the county or counties where the real estate is located.

(m) A fiduciary or other person having custody of the disclaimed interest is not liable for any otherwise proper distribution or other disposition made without actual notice of the disclaimer or, if the disclaimer is barred under section 524.2-1106, for any otherwise proper distribution or other disposition made in reliance on the disclaimer, if the distribution or disposition is made without actual knowledge of the facts constituting the bar of the right to disclaim.

Sec. 6. Minnesota Statutes 2010, section 524.2-1115, is amended to read:

524.2-1115 RECORDING OF DISCLAIMER RELATING TO REAL ESTATE.

(a) A disclaimer of an interest in or relating to real estate does not provide constructive notice to all persons unless the disclaimer contains a legal description of the real estate to which the disclaimer relates and unless the disclaimer is ~~filed for recording~~ recorded in the office of the county recorder or registrar of titles in the county or counties where the real estate is located.

(b) An effective disclaimer meeting the requirements of paragraph (a) constitutes constructive notice to all persons from the time of ~~filed for recording~~ recording. Failure to record the disclaimer does not affect its validity as between the disclaimant and persons to whom the property interest or power passes

by reason of the disclaimer.

Sec. 7. Minnesota Statutes 2010, section 524.2-1116, is amended to read:

524.2-1116 APPLICATION TO EXISTING RELATIONSHIPS.

~~Except as otherwise provided in section 524.2-1106, an~~ Sections 524.2-1101 to 524.2-1116 apply to disclaimers of any interest in or power over property existing on January 1, 2010, ~~as to which the time for delivering or filing a disclaimer under laws superseded by sections 524.2-1101 to 524.2-1116 has not expired,~~ may be disclaimed after January 1, 2010 whenever created."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "commerce" and insert "civil law"

Page 1, line 3, before the semicolon, insert "; changing, updating, and clarifying certain provisions of the Uniform Disclaimer of Property Interests Act"

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. Nos. 576 and 1240 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 382 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Michel, Pappas, Magnus, Senjem and Sieben introduced—

S.F. No. 1593: A bill for an act relating to capital improvements; appropriating money for the Minnesota Children's Museum; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Pappas, Latz, McGuire, Dziedzic and Harrington introduced—

S.F. No. 1594: A bill for an act relating to state employees; requiring that health insurance benefits be made available to domestic partners of state employees if they are also made available to spouses; amending Minnesota Statutes 2010, sections 43A.02, by adding a subdivision; 43A.24, subdivision 1.

Referred to the Committee on State Government Innovation and Veterans.

Senators Bakk and Saxhaug introduced—

S.F. No. 1595: A bill for an act relating to capital investments; authorizing the sale and issuance of state bonds; appropriating money for acquisition and development of the Gitchi Gami State Trail.

Referred to the Committee on Capital Investment.

Senators Ortman, Magnus, Miller, Hoffman and Dahms introduced—

S.F. No. 1596: A bill for an act relating to property taxes; exempting the first \$100,000 in value of each commercial-industrial property from the state general levy; phasing-out the state general levy on commercial-industrial property over 20 years; freezing the state general levy on seasonal recreational property; increasing maximum homeowner property tax refunds; providing for a temporary increase in the special property tax refund; appropriating money; amending Minnesota Statutes 2010, section 275.025, subdivisions 1, 2, 4; Minnesota Statutes 2011 Supplement, section 290A.04, subdivision 2.

Referred to the Committee on Taxes.

Senators DeKruif, Daley, Parry, Gazelka and Miller introduced—

S.F. No. 1597: A bill for an act relating to veterans; changing the small business set-aside program for veteran-owned small businesses; authorizing county set-aside programs for veteran-owned small businesses; changing reporting requirements; amending Minnesota Statutes 2010, section 161.321, subdivisions 2, 5, 8, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 375.

Referred to the Committee on State Government Innovation and Veterans.

Senator Newman introduced—

S.F. No. 1598: A bill for an act relating to public safety; requiring law enforcement departments to report offenders who possess multiple welfare electronic benefit transfer cards to the commissioner of human services; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary and Public Safety.

Senators Daley, DeKruif, Nelson, Parry and Miller introduced—

S.F. No. 1599: A bill for an act relating to veterans affairs; permitting a preference for private employers to hire and promote veterans; permitting a preference for private employers to hire and promote the spouse of a disabled or deceased veteran; proposing coding for new law in Minnesota Statutes, chapter 197.

Referred to the Committee on State Government Innovation and Veterans.

Senators Daley, Thompson, Parry, Chamberlain and Lillie introduced—

S.F. No. 1600: A bill for an act relating to state government; requiring state budget documents to include federal insolvency contingency planning; amending Minnesota Statutes 2010, section 16A.10, by adding a subdivision.

Referred to the Committee on Finance.

Senators Reinert, Hayden, Bakk, Goodwin and Eaton introduced—

S.F. No. 1601: A bill for an act proposing an amendment to the Minnesota Constitution, article IX, section 1; changing the method for amending the constitution.

Referred to the Committee on State Government Innovation and Veterans.

Senators Miller, Langseth, Sparks, Nelson and Senjem introduced—

S.F. No. 1602: A bill for an act relating to capital investment; appropriating money for replacement of two school facilities for the Rushford-Peterson school district; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Skoe, Sieben, Eaton, Bakk and Stumpf introduced—

S.F. No. 1603: A bill for an act relating to property taxation; restoring the market value homestead credit; amending Minnesota Statutes 2010, sections 126C.01, subdivision 3, as amended; 273.13, subdivision 34, as amended; 273.1384, subdivisions 3, as amended, 4, as amended; 273.1393, as amended; 276.04, subdivision 2, as amended; 477A.011, subdivision 20, as amended; repealing Laws 2011, First Special Session chapter 7, article 6, section 3.

Referred to the Committee on Taxes.

Senator Dibble introduced—

S.F. No. 1604: A bill for an act relating to retirement; former Minneapolis Police Relief Association; providing for successor custodian for transferred health insurance account assets; amending Minnesota Statutes 2011 Supplement, section 353.668, subdivision 4.

Referred to the Committee on State Government Innovation and Veterans.

Senators Stumpf, Skoe and Langseth introduced—

S.F. No. 1605: A bill for an act relating to capital investment; appropriating money for the aviation maintenance training center on the Thief River Falls airport site of Northland Community and Technical College; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Brown introduced–

S.F. No. 1606: A bill for an act relating to capital investment; appropriating money for greater Minnesota business development infrastructure and the Big Lake Regional Rail Park; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Parry, Chamberlain and Wolf introduced–

S.F. No. 1607: A bill for an act relating to public employment labor relations; prohibiting the use of state funds to collect union dues or fair share fees; prohibiting automatic deductions from employees' earnings for union dues or fair share fees; amending Minnesota Statutes 2010, sections 16A.133, subdivision 1; 179A.06, subdivisions 3, 6; proposing coding for new law in Minnesota Statutes, chapter 179A.

Referred to the Committee on State Government Innovation and Veterans.

Senators Vandever and Ingebrigtsen introduced–

S.F. No. 1608: A bill for an act relating to natural resources; establishing the Rice Creek Watershed District wetland replacement pilot project.

Referred to the Committee on Environment and Natural Resources.

Senator Rest introduced–

S.F. No. 1609: A bill for an act relating to legislature; modifying membership of the Legislative Advisory Commission; amending Minnesota Statutes 2010, section 3.30, subdivision 2.

Referred to the Committee on State Government Innovation and Veterans.

Senators DeKruif, Parry, Robling, Senjem and Gimse introduced–

S.F. No. 1610: A bill for an act relating to state government; creating a contingent annual appropriation for the Racing Commission to fund the commission in the event of a shutdown; amending Minnesota Statutes 2010, section 240.15, subdivision 6.

Referred to the Committee on State Government Innovation and Veterans.

Senator Sparks introduced–

S.F. No. 1611: A bill for an act relating to capital investment; appropriating money for demolition and renovation at Riverland Community College, Albert Lea; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Sparks introduced—

S.F. No. 1612: A bill for an act relating to capital investment; modifying the terms of the wastewater infrastructure fund grant to the city of Albert Lea; amending Laws 2011, First Special Session chapter 12, section 19.

Referred to the Committee on Capital Investment.

Senators Chamberlain and Newman introduced—

S.F. No. 1613: A bill for an act relating to public safety; expanding the list of colors that vehicles operated by sheriffs may be painted; amending Minnesota Statutes 2010, section 169.98, subdivision 1.

Referred to the Committee on Judiciary and Public Safety.

Senators Daley, Miller and Lillie introduced—

S.F. No. 1614: A bill for an act relating to job creation; creating a small business regulatory review board; providing legislative appointments; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on Jobs and Economic Growth.

Senators Bakk, Saxhaug and Tomassoni introduced—

S.F. No. 1615: A bill for an act relating to capital improvements; appropriating money for development of Lake Vermilion State Park and the Soudan Underground Mine State Park; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Goodwin introduced—

S.F. No. 1616: A bill for an act relating to local government; providing for payment of city charter commission expenses; amending Minnesota Statutes 2010, section 410.06.

Referred to the Committee on Local Government and Elections.

Senators Goodwin, Marty and Harrington introduced—

S.F. No. 1617: A bill for an act relating to public safety; eliminating the right of violent felons to petition the court to have their ability to possess a firearm restored; amending Minnesota Statutes 2010, sections 242.31, subdivision 2a; 260B.245, subdivision 1; 609.165, subdivisions 1a, 1b; 609A.03, subdivision 5a; 609B.611; 624.713, subdivision 2; repealing Minnesota Statutes 2010, section 609.165, subdivision 1d.

Referred to the Committee on Judiciary and Public Safety.

Senators Magnus, Rosen and Skoe introduced—

S.F. No. 1618: A bill for an act relating to taxation; levy limits; removing the inclusion of wind generation production tax; amending Minnesota Statutes 2010, sections 275.70, subdivision 6; 275.71, subdivision 5.

Referred to the Committee on Taxes.

Senators Wiger, Bakk and Ortman introduced—

S.F. No. 1619: A bill for an act relating to the city of Oakdale; extending certain time limits applicable to a tax increment financing district; amending Laws 2008, chapter 366, article 5, section 34, as amended.

Referred to the Committee on Local Government and Elections.

Senator Kruse introduced—

S.F. No. 1620: A bill for an act relating to eminent domain; providing for a hearing before an administrative law judge on the amount or denial of eligibility for relocation assistance; amending Minnesota Statutes 2010, section 117.52, subdivision 4.

Referred to the Committee on Judiciary and Public Safety.

Senators Kruse, Hann and Lillie introduced—

S.F. No. 1621: A bill for an act relating to human services; modifying child care accreditation provisions; amending Minnesota Statutes 2010, section 119B.13, subdivision 3a.

Referred to the Committee on Health and Human Services.

Senators DeKruif, Dahms, Parry and Koch introduced—

S.F. No. 1622: A bill for an act relating to taxation; sales and use; expanding exemption for public safety radio communication systems; amending Minnesota Statutes 2010, section 297A.70, subdivision 8; Minnesota Statutes 2011 Supplement, section 297A.75, subdivisions 1, 2, 3.

Referred to the Committee on Taxes.

Senators Limmer, Bonoff, Michel and Langseth introduced—

S.F. No. 1623: A bill for an act relating to capital investment; appropriating money for a regional 911 emergency communications center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Pederson, Michel and Lillie introduced—

S.F. No. 1624: A bill for an act relating to taxation; property; reducing business property taxes; amending Minnesota Statutes 2010, section 275.025, subdivisions 1, 4.

Referred to the Committee on Jobs and Economic Growth.

Senators Bakk and Tomassoni introduced—

S.F. No. 1625: A bill for an act relating to St. Louis County; authorizing the private sale of certain real and personal property.

Referred to the Committee on Local Government and Elections.

Senator Nelson introduced—

S.F. No. 1626: A bill for an act relating to human services; modifying the Minnesota health care program provider requirements for critical access dental provider clinics; amending Minnesota Statutes 2011 Supplement, section 256B.76, subdivision 4.

Referred to the Committee on Health and Human Services.

Senators Saxhaug and Tomassoni introduced—

S.F. No. 1627: A bill for an act relating to state lands; providing for private sale of certain tax-forfeited lands in Itasca County.

Referred to the Committee on Environment and Natural Resources.

Senators Saxhaug, Bakk, Stumpf, Tomassoni and Skoe introduced—

S.F. No. 1628: A bill for an act relating to game and fish; providing for hunting and trapping wolves; amending Minnesota Statutes 2010, sections 97A.451, subdivision 3; 97A.475, subdivisions 2, 3, 20; 97B.601, subdivision 4; Minnesota Statutes 2011 Supplement, section 97B.645, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Environment and Natural Resources.

Senators Gerlach, Rest and Hoffman introduced—

S.F. No. 1629: A bill for an act relating to occupational regulation; ensuring a person may pursue a lawful occupation free from unnecessary regulations; stating a right to engage in an occupation to create a greater number of jobs; specifying conditions for government regulation of occupations to protect against misuse of occupational regulations to reduce competition and increase prices to consumers; proposing coding for new law as Minnesota Statutes, chapter 213.

Referred to the Committee on Commerce and Consumer Protection.

Senators Lillie, Hoffman, Michel and Wolf introduced—

S.F. No. 1630: A bill for an act relating to human services; modifying child care assistance payment of funds; amending Minnesota Statutes 2010, section 119B.09, subdivision 10, as amended.

Referred to the Committee on Health and Human Services.

Senators Lillie, Parry, Michel and Daley introduced—

S.F. No. 1631: A bill for an act relating to job creation; imposing a temporary moratorium on state agency rulemaking.

Referred to the Committee on Jobs and Economic Growth.

Senators Ingebrigtsen, Gazelka, Dahms and Carlson introduced—

S.F. No. 1632: A bill for an act relating to natural resources; appropriating money from the outdoor heritage fund; modifying requirements for outdoor heritage fund appropriations; amending Minnesota Statutes 2010, section 97A.056, by adding subdivisions.

Referred to the Committee on Environment and Natural Resources.

MOTIONS AND RESOLUTIONS

Senator Bakk moved that the name of Senator Pogemiller be stricken as chief author and the name of Senator Dzedzic be added as chief author to S.F. No. 153. The motion prevailed.

Senator Sheran moved that the name of Senator Rosen be added as a co-author to S.F. No. 1516. The motion prevailed.

Senator Olson moved that the name of Senator Pederson be added as a co-author to S.F. No. 1531. The motion prevailed.

Senator Newman moved that his name be stricken as a co-author to S.F. No. 1543. The motion prevailed.

Senator Rosen moved that the name of Senator Lourey be added as a co-author to S.F. No. 1543. The motion prevailed.

Senator Sieben moved that the name of Senator Wiger be added as a co-author to S.F. No. 1546. The motion prevailed.

Senator Kubly introduced –

Senate Resolution No. 124: A Senate resolution congratulating Cole Abner for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Olson moved that the appointment withdrawn from the committee on Education and placed on the Confirmation Calendar under Senate Rule 8.2, reported in the Journal for January 26, 2012, be returned to the committee from which it was withdrawn.

COMMISSIONER OF EDUCATION
Dr. Brenda L. Cassellius

The motion prevailed.

CONFIRMATION

Senator Limmer moved that the report from the Committee on Judiciary and Public Safety, reported May 13, 2011, pertaining to the appointment of the Commissioner of Public Safety, be taken from the table. The motion prevailed.

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

Senator Limmer moved that in accordance with the report from the Committee on Judiciary and Public Safety, reported May 13, 2011, the Senate, having given its advice, do now consent to and confirm the appointment of:

COMMISSIONER OF PUBLIC SAFETY

Ramona L. Dohman, 9481 Dallas Ln., Maple Grove, Hennepin County, effective March 1, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Gimse moved that the report from the Committee on Transportation, reported February 10, 2011, pertaining to the appointment of the Commissioner of Transportation, be taken from the table. The motion prevailed.

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

Senator Gimse moved that in accordance with the report from the Committee on Transportation, reported February 10, 2011, the Senate, having given its advice, do now consent to and confirm the appointment of:

COMMISSIONER OF TRANSPORTATION

Thomas K. Sorel, 11397 Halstead Trl., Woodbury, Washington County, effective January 3, 2011, for a term expiring on January 5, 2015.

The question was taken on the adoption of the Gimse motion to consent to and confirm the appointment of Thomas K. Sorel.

The roll was called, and there were yeas 65 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Vandev eer

The motion prevailed. So the appointment of Thomas K. Sorel was confirmed.

CONFIRMATION

Senator Ingebrigtsen moved that the report from the Committee on Environment and Natural Resources, reported January 26, 2012, pertaining to the appointment of the Commissioner of Natural Resources, be taken from the table. The motion prevailed.

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

Senator Ingebrigtsen moved that in accordance with the report from the Committee on Environment and Natural Resources, reported January 26, 2012, the Senate, having given its advice, do now consent to and confirm the appointment of:

COMMISSIONER OF NATURAL RESOURCES

Thomas J. Landwehr, 5824 Churchill St., Shoreview, Hennepin County, effective January 6, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Rosen moved that the report from the Committee on Energy, Utilities and Telecommunications, reported May 14, 2011, pertaining to appointments to the Public Utilities Commission, be taken from the table. The motion prevailed.

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

Pursuant to Rule 8.3, Senator Rosen moved that in accordance with the report from the Committee on Energy, Utilities and Telecommunications, reported May 14, 2011, the Senate, having given its advice, do now consent to and confirm the appointment of:

PUBLIC UTILITIES COMMISSION

Ellen Anderson, 905 Lakeview Ave., Saint Paul, Ramsey County, effective March 28, 2011, for a term expiring on January 2, 2017.

Senator Bakk moved that the appointment be laid on the table.

The question was taken on the adoption of the Bakk motion.

The roll was called, and there were yeas 29 and nays 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

The question recurred on the adoption of the Rosen motion to consent to and confirm the appointment of Ellen Anderson.

The roll was called, and there were yeas 29 and nays 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail. So the Senate refused to consent and the appointment of Ellen Anderson was not confirmed.

MEMBERS EXCUSED

Senator Sheran was excused from the Session of today.

ADJOURNMENT

Senator Dibble moved that the Senate do now adjourn sine die.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 15 and nays 51, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Goodwin	Jungbauer	Pappas
Cohen	Eaton	Hayden	McGuire	Torres Ray
Dibble	Gerlach	Higgins	Nienow	Vandever

Those who voted in the negative were:

Benson	Hall	Latz	Olson	Skoe
Bonoff	Hann	Lillie	Ortman	Sparks
Brown	Harrington	Limmer	Parry	Stumpf
Carlson	Hoffman	Lourey	Pederson	Thompson
Chamberlain	Howe	Magnus	Reinert	Tomassoni
Dahms	Ingebrigtsen	Marty	Rest	Wiger
Daley	Kelash	Metzen	Robling	Wolf
DeKruif	Koch	Michel	Rosen	
Fischbach	Kruse	Miller	Saxhaug	
Gazelka	Kubly	Nelson	Senjem	
Gimse	Langseth	Newman	Sieben	

The motion did not prevail.

ADJOURNMENT

Senator Senjem moved that the Senate do now adjourn until 11:00 a.m., Thursday, February 2, 2012. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

