

ELEVENTH DAY

St. Paul, Minnesota, Thursday, February 7, 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, Rabbi Sim Glaser.

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

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

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

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Tomassoni, Bakk, Stumpf and Saxhaug introduced—

S.F. No. 317: A bill for an act relating to capital investment; appropriating money for relocation of trails and utilities in the city of Virginia made necessary by marked Trunk Highway 53 relocation; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Tomassoni, Bakk, Metzen, Dzedzic and Saxhaug introduced—

S.F. No. 318: A bill for an act relating to public works; requiring the use or supply of American steel products on certain projects; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on State and Local Government.

Senators Franzen, Latz, Champion and Pappas introduced—

S.F. No. 319: A bill for an act relating to military affairs; allowing active duty service members to take a peace officer reciprocity examination; amending Minnesota Statutes 2012, section 626.8517.

Referred to the Committee on Judiciary.

Senators Sparks, Dahms, Weber, Eken and Stumpf introduced—

S.F. No. 320: A bill for an act relating to agriculture; extending the Minnesota Agriculture Education Leadership Council; amending Minnesota Statutes 2012, section 41D.01, subdivision 4.

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

Senators Sheran, Rosen, Hayden, Carlson and Franzen introduced—

S.F. No. 321: A bill for an act relating to health; amending the duties and reporting dates for an existing task force on prematurity; amending Laws 2011, First Special Session chapter 9, article 2, section 27.

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

Senators Hoffman and Johnson introduced—

S.F. No. 322: A bill for an act relating to capital investment; appropriating money for Northern Lights Express passenger rail line; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Johnson and Hoffman introduced—

S.F. No. 323: A bill for an act relating to capital investment; appropriating money for the Foley Boulevard Northstar commuter rail station; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Johnson and Pappas introduced—

S.F. No. 324: A bill for an act relating to the state auditor; requiring employees and officers of local public pension plans to report unlawful actions; amending Minnesota Statutes 2012, section 609.456, subdivision 1.

Referred to the Committee on State and Local Government.

Senator Brown introduced–

S.F. No. 325: A bill for an act relating to property; prohibiting state agencies and political subdivisions from implementing certain Agenda 21 policies supported by the United Nations; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on State and Local Government.

Senators Rest; Skoe; Bakk; Pederson, J. and Chamberlain introduced–

S.F. No. 326: A bill for an act relating to taxation; clarifying the imposition of sales tax on motor vehicle paint and materials; amending Minnesota Statutes 2012, section 297A.61, subdivision 4, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Goodwin, Latz, Limmer and Hall introduced–

S.F. No. 327: A bill for an act relating to civil law; modifying the statutory short form power of attorney; authorizing certain judicial relief; amending Minnesota Statutes 2012, sections 523.20; 523.23, subdivision 1; 523.24, subdivisions 8, 14; proposing coding for new law in Minnesota Statutes, chapter 523.

Referred to the Committee on Judiciary.

Senators Bakk and Saxhaug introduced–

S.F. No. 328: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water.

Referred to the Committee on Environment and Energy.

Senators Senjem and Ortman introduced–

S.F. No. 329: A bill for an act relating to taxation; eliminating sales tax on purchases by political subdivisions; amending Minnesota Statutes 2012, section 297A.70, subdivision 2.

Referred to the Committee on Taxes.

Senators Carlson, Hoffman, Wiklund, Eaton and Sheran introduced–

S.F. No. 330: A bill for an act relating to health; permitting licensed health care professionals to order use of physical agent modalities, electrical stimulation, and ultrasound devices; amending Minnesota Statutes 2012, section 148.6440, subdivision 1.

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

Senator Champion introduced–

S.F. No. 331: A bill for an act relating to capital investment; appropriating money for the Emerge Career and Technology Center in Minneapolis; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Eken, Stumpf, Koenen and Lourey introduced—

S.F. No. 332: A bill for an act relating to elections; modifying authorization for mail balloting; appropriating money; amending Minnesota Statutes 2012, section 204B.45, subdivision 1.

Referred to the Committee on Rules and Administration.

Senators Skoe and Tomassoni introduced—

S.F. No. 333: A bill for an act relating to natural resources; creating fee exemption for utility license crossing public lands and waters in existing public road right-of-way; amending Minnesota Statutes 2012, section 84.415, by adding a subdivision.

Referred to the Committee on Finance.

Senators Petersen, B.; Bonoff and Chamberlain introduced—

S.F. No. 334: A bill for an act relating to taxation; income; modifying education credit; amending Minnesota Statutes 2012, section 290.0674, subdivision 1.

Referred to the Committee on Taxes.

Senators Rest, Pappas, Bonoff and Metzen introduced—

S.F. No. 335: A bill for an act relating to elections; authorizing jurisdictions to adopt ranked-choice voting; establishing procedures for adoption, implementation, and use of ranked-choice voting; amending Minnesota Statutes 2012, sections 205.13, subdivision 2; 206.83; 206.89, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 204E.

Referred to the Committee on State and Local Government.

Senators Franzen, Latz, Dziedzic, Thompson and Limmer introduced—

S.F. No. 336: A bill for an act relating to commerce; regulating electronic fund transfers; providing that article 4A of the Uniform Commercial Code does not apply to a remittance transfer that is not an electronic funds transfer under the federal Electronic Fund Transfer Act; amending Minnesota Statutes 2012, section 336.4A-108.

Referred to the Committee on Judiciary.

Senators Wiger, Anderson, Carlson and Benson introduced—

S.F. No. 337: A bill for an act relating to veterans; providing a veterans jobs tax credit; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senators Latz, Franzen and Dibble introduced—

S.F. No. 338: A bill for an act relating to capital investment; appropriating money for the Southwest Corridor light rail transit line; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Nienow, Benson and Ruud introduced—

S.F. No. 339: A resolution memorializing the President of the United States and Congress to respect and not violate the second amendment to the United States Constitution.

Referred to the Committee on Judiciary.

Senators Hawj, Senjem and Sparks introduced—

S.F. No. 340: A bill for an act relating to economic development; modifying loans to development authorities; amending Minnesota Statutes 2012, section 116J.5764, subdivision 1.

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

Senator Gazelka introduced—

S.F. No. 341: A bill for an act relating to state government; appropriating money for the Minnesota Military Museum at Camp Ripley.

Referred to the Committee on Finance.

Senators Senjem and Nelson introduced—

S.F. No. 342: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to design and construct improvements to the Mayo Civic Center Complex in Rochester.

Referred to the Committee on Finance.

Senators Senjem, Skoe, Nelson, Schmit and Sparks introduced—

S.F. No. 343: A bill for an act relating to economic development; establishing a medical center development authority and providing for its organization, powers, and duties; providing for medical center development districts; authorizing the issuance of revenue obligations by the authority; authorizing city bonds; authorizing state assistance; providing for tax increment financing within a medical center development district; appropriating money; amending Minnesota Statutes 2012, sections 272.02, subdivision 39; 469.174, subdivision 8; 469.176, subdivisions 1b, 4c; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on State and Local Government.

Senators Benson and Rest introduced—

S.F. No. 344: A bill for an act relating to public safety; modifying provisions relating to Capitol complex area security; providing for a report; appropriating money; amending Minnesota Statutes 2012, section 299E.01, subdivisions 2, 3; repealing Minnesota Statutes 2012, section 299E.02.

Referred to the Committee on Transportation and Public Safety.

Senators Goodwin, Hall and Pappas introduced—

S.F. No. 345: A bill for an act relating to crime victims; authorizing a victim's estate to request or enforce an order for restitution; amending Minnesota Statutes 2012, section 611A.04, by adding a subdivision.

Referred to the Committee on Judiciary.

Senators Goodwin, Hall, Pappas and Torres Ray introduced—

S.F. No. 346: A bill for an act relating to crime; providing for forfeiture of money used or intended for use to facilitate a prostitution or sex trafficking offense; amending Minnesota Statutes 2012, section 609.5312, subdivision 1.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS

Senator Rest moved that the name of Senator Champion be added as a co-author to S.F. No. 70. The motion prevailed.

Senator Chamberlain moved that the name of Senator Rest be added as a co-author to S.F. No. 131. The motion prevailed.

Senator Torres Ray moved that the name of Senator Wiklund be added as a co-author to S.F. No. 227. The motion prevailed.

Senator Nelson moved that the name of Senator Koenen be added as a co-author to S.F. No. 285. The motion prevailed.

Senator Petersen, B. moved that his name be stricken as a co-author to S.F. No. 307. The motion prevailed.

Senator Reinert moved that S.F. No. 53 be withdrawn from the Committee on State and Local Government and re-referred to the Committee on Taxes. The motion prevailed.

Senators Nelson and Senjem introduced —

Senate Resolution No. 31: A Senate resolution honoring Rochester Community and Technical College President Don Supalla for receiving the Michael Bennett Lifetime Achievement Award.

Referred to the Committee on Rules and Administration.

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 Dibble moved that the report from the Committee on Transportation and Public Safety, reported January 31, 2013, pertaining to the appointment of the Commissioner of Transportation, be taken from the table. The motion prevailed.

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

Senator Dibble moved that in accordance with the report from the Committee on Transportation and Public Safety, reported January 31, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF TRANSPORTATION
COMMISSIONER**

Charles A. Zelle, 2100 E. 26th St., Minneapolis, Hennepin County, effective January 13, 2013, to complete a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Sheran moved that the report from the Committee on Health, Human Services and Housing, reported January 31, 2013, pertaining to the appointment of the Commissioner of Human Services, be taken from the table. The motion prevailed.

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

Senator Sheran moved that in accordance with the report from the Committee on Health, Human Services and Housing, reported January 31, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF HUMAN SERVICES
COMMISSIONER**

Lucinda E. Jesson, 1992 Lincoln Ave., Saint Paul, Ramsey County, effective January 13, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Sheran moved that the report from the Committee on Health, Human Services and Housing, reported January 31, 2013, pertaining to the appointment of the Commissioner of Health, be taken from the table. The motion prevailed.

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

Senator Sheran moved that in accordance with the report from the Committee on Health, Human Services and Housing, reported January 31, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF HEALTH
COMMISSIONER**

Dr. Edward P. Ehlinger, 4815 Dupont Ave. S., Minneapolis, Hennepin County, effective January 14, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Skoe moved that the report from the Committee on Taxes, reported January 31, 2013, pertaining to the appointment of the Commissioner of Revenue, be taken from the table. The motion prevailed.

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

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

DEPARTMENT OF REVENUE COMMISSIONER

Myron Frans, 1704 Humboldt Ave. S., Minneapolis, Hennepin County, effective April 6, 2011, for a term expiring on January 5, 2015.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Torres Ray moved that the report from the Committee on Education, reported January 31, 2013, pertaining to the appointment of the Commissioner of Education, be taken from the table. The motion prevailed.

Senator Torres Ray moved that the foregoing report be now adopted.

Senator Nienow moved that the appointment of Dr. Brenda L. Cassellius, Commissioner of Education be re-referred to the Committee on Education.

CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the day's proceedings. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Pederson, J.	Weber
Benson	Hall	Miller	Pratt	Westrom
Brown	Hann	Nelson	Rosen	
Chamberlain	Housley	Newman	Ruud	
Dahms	Ingebrigtsen	Nienow	Senjem	
Fischbach	Kiffmeyer	Osmeck	Thompson	

Those who voted in the negative were:

Bakk	Carlson	Clausen	Dahle	Dziedzic
Bonoff	Champion	Cohen	Dibble	Eaton

Eken	Johnson	Metzen	Scalze	Stumpf
Franzen	Kent	Pappas	Schmit	Tomassoni
Goodwin	Koenen	Petersen, B.	Sheran	Torres Ray
Hayden	Latz	Reinert	Sieben	Wiger
Hoffman	Lourey	Rest	Skoe	Wiklund
Jensen	Marty	Saxhaug	Sparks	

The motion did not prevail.

The question recurred on the Torres Ray motion that the foregoing report be adopted. The motion prevailed

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

DEPARTMENT OF EDUCATION
COMMISSIONER

Dr. Brenda L. Cassellius, 5900 Colfax Ave. S., Minneapolis, Hennepin County, effective January 3, 2011, for a term expiring on January 5, 2015.

The question was taken on the adoption of the Torres Ray motion to consent to and confirm the appointment of Dr. Brenda L. Cassellius.

The roll was called, and there were yeas 45 and nays 20, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Gazelka	Ingebrigtsen	Nienow	Senjem
Benson	Hall	Kiffmeyer	Osmek	Thompson
Brown	Hann	Limmer	Pratt	Weber
Dahms	Housley	Newman	Ruud	Westrom

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated S.F. No. 58 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 58: A bill for an act relating to state government; ratifying labor agreements and compensation plans.

Senator Gazelka moved to amend S.F. No. 58 as follows:

Page 2, after line 9, insert:

"Sec. 2. LIMIT ON AVAILABILITY OF ACROSS-THE-BOARD INCREASES IN A COLLECTIVE BARGAINING AGREEMENT."

Notwithstanding the provisions of the agreements ratified in this act, the state may not give any employee an across-the-board increase if the employee has received a step increase in the 12 months preceding ratification."

Senator Sieben questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Senator Latz raised a point of order pursuant to Minnesota Statutes, section 43A.18, that the Gazelka amendment was not in order.

The President ruled the point of order not well taken, so the Gazelka amendment was in order.

The question was taken on the adoption of the Gazelka amendment.

The roll was called, and there were yeas 27 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Pederson, J.	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Osmeck	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Reinert	Sparks
Bonoff	Eaton	Kent	Rest	Stumpf
Carlson	Eken	Koenen	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hayden	Marty	Sheran	Wiklund
Dahle	Hoffman	Metzen	Sieben	
Dibble	Jensen	Pappas	Skoe	

The motion did not prevail. So the amendment was not adopted.

Senator Chamberlain moved to amend S.F. No. 58 as follows:

Page 1, after line 3, insert:

"Section 1. Minnesota Statutes 2012, section 43A.29, is amended to read:

43A.29 CONTRIBUTIONS BY STATE.

The total contribution by the state for eligible state employees and for dependents of eligible state employees shall be prescribed by collective bargaining agreements or plans established pursuant to section 43A.18. The total contribution by the state for health insurance is limited to 95 percent of the premium for coverage for the employee and 85 percent of the premium for the employee's dependents, with the remaining premium paid by the employee. All collective bargaining agreements and plans effective after December 31, 2013, shall be consistent with this limit on the state's contribution."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Eaton questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Chamberlain appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Johnson	Reinert	Sparks
Bonoff	Eaton	Kent	Rest	Stumpf
Carlson	Eken	Koenen	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hayden	Marty	Sheran	Wiklund
Dahle	Hoffman	Metzen	Sieben	
Dibble	Jensen	Pappas	Skoe	

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Pederson, J.	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Osmeck	Senjem	

So the decision of the President was sustained.

Senator Chamberlain moved to amend S.F. No. 58 as follows:

Page 1, after line 3, insert:

"Section 1. Minnesota Statutes 2012, section 43A.29, is amended to read:

43A.29 CONTRIBUTIONS BY STATE.

The total contribution by the state for eligible state employees and for dependents of eligible state employees shall be prescribed by collective bargaining agreements or plans established pursuant to section 43A.18. The total contribution by the state for health insurance is limited to 95 percent of the premium for coverage for the employee and 85 percent of the premium for the employee's dependents, with the remaining premium paid by the employee. All collective bargaining agreements and plans effective after December 31, 2013, shall be consistent with this limit on the state's contribution. Notwithstanding section 43A.18, subdivision 1, all collective bargaining agreements and plans ratified under this act are hereby modified to be consistent with this limit on the state's contribution."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Eaton questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Hann appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Johnson	Reinert	Sparks
Bonoff	Eaton	Kent	Rest	Stumpf
Carlson	Eken	Koenen	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hayden	Marty	Sheran	Wiklund
Dahle	Hoffman	Metzen	Sieben	
Dibble	Jensen	Pappas	Skoe	

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Pederson, J.	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Osmeck	Senjem	

So the decision of the President was sustained.

Senator Hann moved to amend S.F. No. 58 as follows:

Page 2, after line 9, insert:

"Sec. 2. **LIMIT ON INCREASE.**

Notwithstanding 43A.18, subdivision 1, no increases under the collective bargaining agreements ratified by this act may be paid until the current year aid payment percentage under 127A.45 equals 90 in fiscal years 2014 and later at 90 percent."

Amend the title accordingly

Senator Sieben questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Nelson moved to amend S.F. No. 58 as follows:

Page 1, after line 3, insert:

"Section 1. Minnesota Statutes 2012, section 43A.29, is amended to read:

43A.29 CONTRIBUTIONS BY STATE.

The total contribution by the state for eligible state employees and for dependents of eligible state employees shall be prescribed by collective bargaining agreements or plans established pursuant to section 43A.18, except that the state contribution for legislators shall be reduced by a contribution from the legislator of at least five percent of the premium for coverage for the legislator, and at least 15 percent of the premium for coverage for the dependents of the legislator.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Sieben questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Nelson appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Johnson	Reinert	Sparks
Bonoff	Eaton	Kent	Rest	Stumpf
Carlson	Eken	Koenen	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hayden	Marty	Sheran	Wiklund
Dahle	Hoffman	Metzen	Sieben	
Dibble	Jensen	Pappas	Skoe	

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Pederson, J.	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Osmek	Senjem	

So the decision of the President was sustained.

Senator Chamberlain moved to amend S.F. No. 58 as follows:

Page 2, after line 9, insert:

"Sec. 2. **CONTRIBUTIONS BY STATE.**

Notwithstanding section 43A.29, the total contribution by the state for health insurance is limited to 95 percent of the premium for coverage for the employee and 85 percent of the premium for the employee's dependents, with the remaining premium paid by the employee. All collective bargaining agreements and plans effective after December 31, 2013, shall be consistent with this limit on the state's contribution. Notwithstanding section 43A.18, subdivision 1, all collective bargaining agreements and plans ratified under this act are hereby modified to be consistent with this limit on the state's contribution."

Amend the title accordingly

Senator Eaton questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 58 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 40 and nays 25, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Johnson	Pappas	Sieben
Bonoff	Eaton	Kent	Pederson, J.	Skoe
Carlson	Eken	Koenen	Reinert	Sparks
Champion	Franzen	Latz	Rest	Stumpf
Clausen	Goodwin	Lourey	Saxhaug	Tomassoni
Cohen	Hayden	Marty	Scalze	Torres Ray
Dahle	Hoffman	Metzen	Schmit	Wiger
Dibble	Jensen	Miller	Sheran	Wiklund

Those who voted in the negative were:

Anderson	Fischbach	Ingebrigtsen	Nienow	Ruud
Benson	Gazelka	Kiffmeyer	Osmek	Senjem
Brown	Hall	Limmer	Petersen, B.	Thompson
Chamberlain	Hann	Nelson	Pratt	Weber
Dahms	Housley	Newman	Rosen	Westrom

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 Reports of Committees.

REPORTS OF COMMITTEES

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

Senator Skoe from the Committee on Taxes, to which was re-referred

S.F. No. 1: A bill for an act relating to commerce; establishing the Minnesota Insurance Marketplace; prescribing its powers and duties; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2012, sections 13.7191, by adding a subdivision; 13D.08, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 62V.

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

Page 1, after line 15, insert:

"Sec. 3. Minnesota Statutes 2012, section 16A.725, is amended by adding a subdivision to read:

Subd. 2a. **Certified Minnesota Insurance Marketplace operating costs.** By April 30 of each year, the board of directors of the Minnesota Insurance Marketplace shall certify to the commissioner of management and budget the costs necessary to fund the operations of the Minnesota Insurance Marketplace, under chapter 62V.

Sec. 4. Minnesota Statutes 2012, section 16A.725, subdivision 3, is amended to read:

Subd. 3. **Fund reimbursements.** (a) Each fiscal year, the commissioner of management and budget shall first transfer from the health impact fund to the Minnesota Insurance Marketplace account in the special revenue fund, the amount of certified expenditures under subdivision 2a, or the balance of the fund, whichever is less.

~~Each fiscal year,~~ (b) If any balance remains in the health impact fund after the transfer in paragraph (a), the commissioner of management and budget shall ~~first~~ transfer from the health impact fund to the general fund an amount sufficient to offset the general fund cost of the certified expenditures under subdivision 2 or the balance of the fund, whichever is less.

~~(b)~~ (c) If any balance remains in the health impact fund after the ~~transfer~~ transfers in paragraph paragraphs (a) and (b), the commissioner of management and budget shall transfer to the health care access fund the amount sufficient to offset the health care access fund cost of the certified expenditures in subdivision 2, or the balance of the fund, whichever is less."

Page 6, line 12, delete everything after the third period

Page 6, delete lines 13 to 20

Page 6, line 21, delete "under this subdivision" and insert "Operations include the operations of the Minnesota Insurance Marketplace and"

Page 14, after line 19, insert:

"Sec. 18. **REPEALER.**

Minnesota Statutes 2012, section 256.9658, subdivision 1, is repealed."

Page 14, line 21, delete "15" and insert "18"

Renumber the sections in sequence

Amend the title numbers accordingly

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Latz moved that S.F. No. 7 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Health, Human Services and Housing. The motion prevailed.

MEMBERS EXCUSED

Senators Hawj and Ortman were excused from the Session of today.

ADJOURNMENT

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

JoAnne M. Zoff, Secretary of the Senate

