

FORTY-FIFTH DAY

St. Paul, Minnesota, Friday, April 26, 2013

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

CALL OF THE SENATE

Senator Sieben 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 Adam Stock Spilker.

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

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 422, 442 and 1016.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 25, 2013

Madam President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 745: A bill for an act relating to state government; classifying or modifying certain provisions concerning data practices; requiring informed consent; amending definitions; allowing disclosure of certain data; allowing access to certain records; making technical changes; modifying certain provisions regarding transportation and health data; modifying certain provisions regarding criminal history records, criminal background checks, and other criminal justice data provisions; extending for six years the sunset provision for the newborn screening advisory committee; providing for accreditation of forensic laboratories; repealing the McGruff safe house program; amending Minnesota Statutes 2012, sections 13.37, subdivision 1; 13.386, subdivision 3; 13.43, subdivisions 2, 14; 13.64, subdivision 2; 13.72, subdivision 10, by adding subdivisions; 144.966, subdivisions 2, 3, 4, by adding subdivisions; 171.07, subdivision 1a; 171.12, subdivision 7; 241.065, subdivision 4; 268.19, subdivision 1; 299C.11, subdivision 1; 299C.46, subdivisions 1, 2, 2a, 3; 299F.035, subdivisions 1, 2; 299F.77; 340A.301, subdivision 2; 340A.402; 611.272; 626.556, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 299C; repealing Minnesota Statutes 2012, section 299A.28.

Senate File No. 745 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 25, 2013

Senator Dziejdzic moved that the Senate do not concur in the amendments by the House to S.F. No. 745, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Madam President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 769: A bill for an act relating to public safety; clarifying certain statutory provisions relating to crime victim rights and programs; providing for a restitution working group; amending Minnesota Statutes 2012, sections 13.871, subdivision 5; 611A.0315; 611A.036, subdivision 7; 629.72, subdivisions 1, 1a, 2, 6, 7; 629.73; proposing coding for new law in Minnesota Statutes, chapter 13.

Senate File No. 769 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 25, 2013

CONCURRENCE AND REPASSAGE

Senator Jensen moved that the Senate concur in the amendments by the House to S.F. No. 769 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 769 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

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

Those who voted in the affirmative were:

Anderson	Dibble	Jensen	Nienow	Skoe
Bakk	Dziedzic	Johnson	Ortman	Sparks
Benson	Eken	Kent	Osmek	Thompson
Bonoff	Fischbach	Kiffmeyer	Pratt	Tomassoni
Brown	Franzen	Koenen	Reinert	Torres Ray
Carlson	Gazelka	Latz	Rest	Weber
Chamberlain	Goodwin	Limmer	Saxhaug	Wiger
Champion	Hall	Lourey	Scalze	Wiklund
Clausen	Hann	Metzen	Schmit	
Cohen	Hawj	Miller	Senjem	
Dahle	Hayden	Nelson	Sheran	
Dahms	Ingebrigtsen	Newman	Sieben	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 840: A bill for an act relating to employment; modifying use of personal sick leave benefits; amending Minnesota Statutes 2012, section 181.9413.

Senate File No. 840 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 25, 2013

Senator Champion moved that the Senate do not concur in the amendments by the House to S.F. No. 840, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 841, 1118 and 790.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 25, 2013

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 841: A bill for an act relating to human services; modifying requirements for assessments; amending Minnesota Statutes 2012, section 256B.0911, subdivision 3a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 727, now on General Orders.

H.F. No. 1118: A bill for an act relating to bonds; modifying requirements for bond security; amending Minnesota Statutes 2012, section 574.01.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 832, now on General Orders.

H.F. No. 790: A bill for an act relating to public safety; clarifying when conditional release terms of certain offenders begin; amending Minnesota Statutes 2012, sections 243.166, subdivision 5a; 609.2231, subdivision 3a; 609.3455, subdivisions 6, 7, 8; 617.246, subdivision 7; 617.247, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 668, now on General Orders.

REPORTS OF COMMITTEES

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

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 738 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
738	551				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 677 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
677	552				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 677 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 677, the third engrossment; and insert the language after the enacting clause of S.F. No. 552, the first engrossment; further, delete the title of H.F. No. 677, the third engrossment; and insert the title of S.F. No. 552, the first engrossment.

And when so amended H.F. No. 677 will be identical to S.F. No. 552, and further recommends that H.F. No. 677 be given its second reading and substituted for S.F. No. 552, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 738 and 677 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Metzen and Carlson introduced—

S.F. No. 1632: A bill for an act relating to capital investment; establishing the Host Community Economic Development grant program; appropriating money; authorizing the sale and issuance of state bonds; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Finance.

Senator Stumpf introduced—

S.F. No. 1633: A bill for an act relating to capital investment; adding the chairs of the senate's Capital Investment Committee to those receiving notification regarding capital investment projects; amending Minnesota Statutes 2012, section 16B.335, subdivisions 1, 2, 5.

Referred to the Committee on Finance.

Senators Westrom and Chamberlain introduced—

S.F. No. 1634: A bill for an act relating to taxation; estate; making changes to exclusions for qualified small business property and qualified farm property; amending Minnesota Statutes 2012, section 291.03, subdivisions 8, 9, 10, 11.

Referred to the Committee on Taxes.

Senator Lourey introduced—

S.F. No. 1635: A bill for an act relating to economic development; transferring unused appropriations to an account for the small cities development program to be used by communities affected by storms and flooding in 2012.

Referred to the Committee on Finance.

Senator Cohen introduced—

S.F. No. 1636: A bill for an act relating to capital investment; appropriating money for expansion of the Park Square Theatre in St. Paul; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Hayden and Dibble introduced—

S.F. No. 1637: A bill for an act relating to transportation; mass transit; regulating design, accessibility, and maintenance of transit shelters and stops; requiring access in special transportation service buses; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Transportation and Public Safety.

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.

APPOINTMENTS

Senator Bakk from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 745: Senators Dziejdzic, Latz and Rosen.

Senator Bakk moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated S.F. No. 978 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 978: A bill for an act relating to education; modifying policies for early childhood through grade 12 education; including general education student accountability, education excellence, charter schools, special programs, technology, libraries, and early childhood education, self-sufficiency, and lifelong learning; amending Minnesota Statutes 2012, sections 15.059, subdivision 5b; 120A.41; 120B.021, subdivision 1; 120B.023; 120B.024; 120B.15; 120B.31, subdivision 1; 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.23, subdivision 2; 122A.28,

subdivision 1; 123B.88, subdivision 22; 123B.92, subdivision 1; 124D.095, subdivision 10; 124D.10; 124D.122; 124D.52, by adding a subdivision; 124D.79, subdivision 1, by adding a subdivision; 125A.0941; 125A.0942; 125A.27, subdivisions 8, 11, 14; 125A.28; 125A.29; 125A.30; 125A.32; 125A.33; 125A.35, subdivision 1; 125A.36; 125A.43; 126C.10, subdivision 14; 126C.15, subdivision 2; 134.32; 134.34; 134.351, subdivisions 3, 7; 134.353; 134.354; 134.355, subdivisions 1, 2, 3, 4, 5, 6; 134.36; 260A.02, subdivision 3; 260A.03; 260A.05, subdivision 1; 260A.07, subdivision 1; Laws 2011, First Special Session chapter 11, article 7, section 2, subdivision 8, as amended; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 124D; repealing Minnesota Statutes 2012, section 125A.35, subdivisions 4, 5; Minnesota Rules, parts 3501.0505; 3501.0510; 3501.0515; 3501.0520; 3501.0525; 3501.0530; 3501.0535; 3501.0540; 3501.0545; 3501.0550.

Senator Nelson moved to amend S.F. No. 978 as follows:

Page 7, line 19, strike "five" and insert "15"

The motion prevailed. So the amendment was adopted.

Senator Bonoff moved to amend S.F. No. 978 as follows:

Page 27, line 9, delete "19" and insert "20"

Page 27, line 30, delete "and"

Page 27, line 32, delete the period and insert "; and"

Page 27, after line 32, insert:

"(11) one representative from the Minnesota School Boards Association."

The motion prevailed. So the amendment was adopted.

Senator Hoffman moved to amend S.F. No. 978 as follows:

Page 63, line 22, after the second comma, insert "and agencies that serve families experiencing homelessness,"

Page 68, after line 27, insert:

"Sec. 16. REPORT ON HOMELESS CHILDREN SERVED.

The commissioner of education must collect statistics on the number of homeless children who have received Part C services and must annually report those results to the legislature by July 1.

EFFECTIVE DATE. This section is effective July 1, 2013.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Torres Ray moved to amend S.F. No. 978 as follows:

Page 6, line 26, delete "initial purchase" and insert "software, and annual licensing fees"

Page 6, line 27, delete the new language

Page 15, line 14, delete "must" and insert "may"

Page 15, after line 26, insert:

"Sec. 3. Minnesota Statutes 2012, section 121A.39, is amended to read:

121A.39 SCHOOL COUNSELORS.

(a) A school district is strongly encouraged to have an adequate student-to-counselor ratio for its students beginning in the 2015-2016 school year and later.

(b) A school counselor shall assist a student in meeting the requirements for high school graduation, college and career exploration, and selection, college affordability planning, and successful transitions into postsecondary education or training."

Page 18, line 11, after the second period, insert "The rules must be revised by the Board of Teaching no later than January 1, 2015, based on the recommendations of the Teacher Licensure Advisory Task Force."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Hann moved to amend the Torres Ray amendment to S.F. No. 978 as follows:

Page 1, delete lines 14 to 16

The question was taken on the adoption of the Hann amendment to the Torres Ray amendment.

The roll was called, and there were yeas 29 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Franzen	Ingebrigtsen	Newman	Scalze
Benson	Gazelka	Kiffmeyer	Nienow	Senjem
Bonoff	Goodwin	Latz	Ortman	Thompson
Brown	Hall	Limmer	Osmek	Weber
Chamberlain	Hann	Miller	Petersen, B.	Westrom
Fischbach	Housley	Nelson	Rest	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Saxhaug	Torres Ray
Carlson	Eaton	Kent	Schmit	Wiger
Champion	Eken	Koenen	Sheran	Wiklund
Clausen	Hawj	Lourey	Sieben	
Cohen	Hayden	Marty	Skoe	
Dahle	Hoffman	Metzen	Sparks	
Dibble	Jensen	Reinert	Tomassoni	

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

Senator Thompson moved to amend the Torres Ray amendment to S.F. No. 978 as follows:

Page 1, line 16, after "Force" insert "as approved by the legislature"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Torres Ray amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 978 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 40 and nays 20, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Petersen, B.	Skoe
Bonoff	Eaton	Johnson	Reinert	Sparks
Carlson	Eken	Kent	Rest	Tomassoni
Champion	Franzen	Koenen	Saxhaug	Torres Ray
Clausen	Goodwin	Lourey	Scalze	Weber
Cohen	Hawj	Marty	Schmit	Westrom
Dahle	Hayden	Metzen	Sheran	Wiger
Dibble	Hoffman	Nelson	Sieben	Wiklund

Those who voted in the negative were:

Anderson	Fischbach	Housley	Limmer	Ortman
Benson	Gazelka	Ingebrigtsen	Miller	Osmek
Brown	Hall	Kiffmeyer	Newman	Senjem
Chamberlain	Hann	Latz	Nienow	Thompson

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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 Bonoff moved that the report from the Committee on Higher Education and Workforce Development, reported February 14, 2013, pertaining to appointments to the Board of Trustees of the Minnesota State Colleges and Universities, be taken from the table. The motion prevailed.

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

Senator Bonoff moved that in accordance with the report from the Committee on Higher Education and Workforce Development, reported February 14, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES

Brett Anderson, 704B Simplicity Dr., Ellendale, Steele County, effective July 1, 2011, for a term expiring on June 30, 2013.

Alexander Cirillo, Jr., 10107 Brookhaven Dr., Woodbury, Washington County, effective August 6, 2012, for a term expiring on June 30, 2018.

Dawn Erlandson, 2809 Lake of the Isles Pkwy. E., Minneapolis, Hennepin County, effective August 6, 2012, for a term expiring on June 30, 2018.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Bonoff moved that the report from the Committee on Higher Education and Workforce Development, reported February 21, 2013, pertaining to appointments to the Minnesota Higher Education Facilities Authority, be taken from the table. The motion prevailed.

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

Senator Bonoff moved that in accordance with the report from the Committee on Higher Education and Workforce Development, reported February 13, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

Mary Ives, 144 – 17th St. S.E., Grand Rapids, Itasca County, effective May 7, 2012, for a term expiring on January 4, 2016.

Michael Ranum, 203 E. Golden Lake Cir., Circle Pines, Anoka County, effective January 25, 2010, for a term expiring on January 6, 2014.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Bonoff moved that the report from the Committee on Higher Education and Workforce Development, reported February 25, 2013, pertaining to appointments to the Board of Trustees of the Minnesota State Colleges and Universities, be taken from the table. The motion prevailed.

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

Senator Bonoff moved that in accordance with the report from the Committee on Higher Education and Workforce Development, reported February 25, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES

Margaret Anderson Kelliher, 2470 Highcrest Rd., Suite 100, Roseville, Ramsey County, effective August 6, 2012, for a term expiring on June 30, 2018.

Alfredo Oliveira, 815 – 37th Ave. N., Saint Cloud, Stearns County, effective August 6, 2012, for a term expiring on June 30, 2014.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Bonoff moved that the report from the Committee on Higher Education and Workforce Development, reported March 4, 2013, pertaining to appointments to the Minnesota Higher Education Facilities Authority, be taken from the table. The motion prevailed.

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

Senator Bonoff moved that in accordance with the report from the Committee on Higher Education and Workforce Development, reported March 4, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

Kathryn Balstad Brewer, 321 Silver Lake Rd. S.W., New Brighton, Ramsey County, effective June 30, 2011, for a term expiring on January 5, 2015.

Gary Benson, 2064 Pleasant View Dr., New Brighton, Ramsey County, effective June 30, 2011, for a term expiring on January 5, 2015.

Raymond VinZant, 6842 – 270th St., Wyoming, Chisago County, effective May 7, 2012, for a term expiring on January 4, 2016.

Janet Withoff, 870 Willow View Dr., Orono, Hennepin County, effective January 25, 2010, for a term expiring on January 6, 2014.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Bonoff moved that the report from the Committee on Higher Education and Workforce Development, reported April 20, 2013, pertaining to appointments to the Board of Trustees of the Minnesota State Colleges and Universities, be taken from the table. The motion prevailed.

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

Senator Bonoff moved that in accordance with the report from the Committee on Higher Education and Workforce Development, reported April 20, 2013, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES

Ann Anaya, 316 N. Robert St., Saint Paul, Ramsey County, effective August 6, 2012, for a term expiring on June 30, 2018.

Maria Peluso, P.O. Box 53, Taconite, Itasca County, effective August 6, 2012, for a term expiring on June 30, 2014.

The motion prevailed. So the appointments were confirmed.

MEMBERS EXCUSED

Senators Pappas; Pederson, J.; Rosen; Ruud and Stumpf were excused from the Session of today. Senators Westrom and Petersen, B. were excused from the Session of today from 11:00 to 11:25 a.m. Senators Eaton, Hoffman and Housley were excused from the Session of today from 11:00 to 11:30 a.m. Senator Pratt was excused from the Session of today at 1:00 p.m. Senator Dahms was excused from the Session of today at 1:30 p.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Monday, April 29, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

