

## SIXTY-FIFTH DAY

St. Paul, Minnesota, Tuesday, February 16, 2010

The Senate met at 11:30 a.m. and was called to order by the President.

**CALL OF THE SENATE**

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

Prayer was offered by Senator Gary W. Kubly.

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

Anderson	Fischbach	Langseth	Pappas	Sieben
Bakk	Fobbe	Latz	Pariseau	Skoe
Berglin	Foley	Limmer	Parry	Skogen
Betzold	Frederickson	Lourey	Pogemiller	Sparks
Bonoff	Gerlach	Lynch	Prettner Solon	Stumpf
Carlson	Gimse	Marty	Rest	Tomassoni
Chaudhary	Hann	Metzen	Robling	Torres Ray
Clark	Higgins	Michel	Rosen	Vandever
Cohen	Ingebrigtsen	Moua	Rummel	Vickerman
Dahle	Johnson	Murphy	Saltzman	Wiger
Dibble	Jungbauer	Olseen	Saxhaug	
Dille	Koch	Olson, G.	Scheid	
Doll	Koering	Olson, M.	Senjem	
Erickson Ropes	Kubly	Ortman	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**

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2700.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted February 15, 2010

**FIRST READING OF HOUSE BILLS**

The following bill was read the first time.

**H.F. No. 2700:** A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale and issuance of state bonds; cancelling and modifying previous appropriations; appropriating money; amending Minnesota Statutes 2008, sections 16A.105; 16A.501; 16A.66, subdivision 2; 103F.161, subdivisions 1, 3; 103F.515, by adding a subdivision; 116J.435, as amended; 174.50, subdivisions 6, 7; 256E.37, subdivisions 1, 2; Minnesota Statutes 2009 Supplement, sections 16A.647, subdivisions 1, 5; 16A.86, subdivision 3a; Laws 2005, chapter 20, article 1, sections 19, subdivision 4; 23, subdivision 12, as amended; Laws 2006, chapter 258, sections 5, subdivision 3; 8, subdivision 4; 17, subdivision 5; 21, subdivision 14, as amended; Laws 2008, chapter 152, article 2, section 3, subdivision 2; Laws 2008, chapter 179, sections 5, subdivision 4; 7, subdivisions 8, 27; 21, subdivision 9; Laws 2008, chapter 365, sections 4, subdivision 3; 5, subdivision 2; 24, subdivision 2; 25; Laws 2009, chapter 93, article 1, sections 11, subdivision 5; 20; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; repealing Laws 2009, chapter 93, article 1, section 45.

Senator Pogemiller moved that H.F. No. 2700 be laid on the table. The motion prevailed.

**REPORTS OF COMMITTEES**

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

**Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was referred**

**S.F. No. 2254:** A bill for an act relating to communications; setting state goals for the deployment and speed of high-speed broadband; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Page 1, delete line 16 and insert "(3) the top 15 when compared to countries globally for broadband penetration."

Page 1, line 19, after "chairs" insert "and ranking minority members"

Page 1, delete subdivision 4

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

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 2588:** A bill for an act relating to natural resources; removing certain acquisition

restrictions for Lake Vermilion State Park; amending Laws 2008, chapter 365, section 25.

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

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 2533:** A bill for an act relating to natural resources; authorizing the acquisition of certain lands for Lake Vermilion State Park; incorporating lands from an existing state park into Lake Vermilion State Park; repealing Minnesota Statutes 2008, section 85.012, subdivision 53a.

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

**SECOND READING OF SENATE BILLS**

S.F. No. 2254 was read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senators Vandev eer, Erickson Ropes, Koch, Hann and Parry introduced—**

**S.F. No. 2623:** A bill for an act relating to taxation; eliminating the income-based reduction of the individual income tax credit for prior military service; amending Minnesota Statutes 2008, section 290.0677, subdivision 1a.

Referred to the Committee on Taxes.

**Senators Vandev eer, Erickson Ropes, Koch, Hann and Parry introduced—**

**S.F. No. 2624:** A bill for an act relating to taxation; individual income; providing a military retirement pay subtraction; amending Minnesota Statutes 2009 Supplement, sections 290.01, subdivision 19b; 290.091, subdivision 2.

Referred to the Committee on Taxes.

**Senators Erickson Ropes, Vandev eer, Koch, Hann and Parry introduced—**

**S.F. No. 2625:** A bill for an act relating to veterans; expanding eligibility of disabled veterans for a free annual state park permit; amending Minnesota Statutes 2009 Supplement, section 85.053, subdivision 10.

Referred to the Committee on Agriculture and Veterans.

**Senator Parry introduced—**

**S.F. No. 2626:** A bill for an act relating to capital investment; appropriating money for capital improvements at the Minnesota State Academies; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senators Vandever and Saltzman introduced—**

**S.F. No. 2627:** A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water.

Referred to the Committee on Environment and Natural Resources.

**Senator Cohen introduced—**

**S.F. No. 2628:** A bill for an act relating to alcohol; authorizing an on-sale intoxicating liquor license for the premises of St. Thomas University.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Sieben, Vandever and Wiger introduced—**

**S.F. No. 2629:** A bill for an act relating to elections; appropriating money for grants to counties for voting equipment and vote-counting equipment; specifying grant terms and procedures.

Referred to the Committee on Finance.

**Senators Rummel and Anderson introduced—**

**S.F. No. 2630:** A bill for an act relating to natural resources; modifying fees for control of aquatic vegetation in certain public waters; amending Minnesota Statutes 2008, section 103G.615, subdivision 2.

Referred to the Committee on Finance.

**Senator Betzold introduced—**

**S.F. No. 2631:** A bill for an act relating to retirement; amending certain Public Employees Retirement Association plan provisions; defining terms; adjusting contribution rates; modifying vesting requirements; adjusting interest rates; providing for postretirement adjustments; eliminating privatized hospital employee election; amending Minnesota Statutes 2008, sections 353.01, by adding a subdivision; 353.27, subdivision 3b; 353.29, subdivision 1; 353.30, subdivision 1c; 353.32, subdivisions 1, 1a; 353.34, subdivisions 1, 2, 3; 353.651, subdivisions 1, 4; 353.657, subdivisions 1, 2a; 353.71, subdivisions 1, 2; 353E.04, subdivisions 1, 4; 353E.07, subdivisions 1, 2; 353F.03; 356.215, subdivision 8; 356.30, subdivision 1; 356.47, subdivision 3; Minnesota Statutes 2009 Supplement, sections 353.27, subdivisions 2, 3; 353.33, subdivision 1; 353.65, subdivisions 2, 3; 356.415, subdivision 1, by adding a subdivision; repealing Minnesota Statutes 2008, section 353.34, subdivision 3a.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senators Marty and Vickerman introduced–**

**S.F. No. 2632:** A bill for an act relating to food safety; authorizing certain beverage production in basements; directing the commissioner of agriculture to amend Minnesota Rules.

Referred to the Committee on Agriculture and Veterans.

**Senator Sparks introduced–**

**S.F. No. 2633:** A bill for an act relating to retirement; permitting the repayment of certain member contribution refunds; authorizing a second chance option to elect Teachers Retirement Association retirement plan benefit coverage; mandating certain contributions.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Moua introduced–**

**S.F. No. 2634:** A bill for an act relating to forfeiture; requiring officers to give forfeiture receipts upon seizure of property; implementing timelines for forfeiture notice and hearings; placing a cap on the value of property that may be forfeited administratively; authorizing petitions for remission and mitigation of seized property; requiring certification by prosecutor before property may be forfeited administratively; requiring forfeiture proceeds to be deposited in special trust accounts; directing Department of Public Safety to establish ethical guidelines related to forfeiture proceedings; requiring law enforcement to secure seized property; prohibiting sale of forfeited property to law enforcement officers, employees, and family members; amending Minnesota Statutes 2008, sections 609.531, subdivisions 4, 5, by adding subdivisions; 609.5311, subdivision 3; 609.5313; 609.5314, subdivisions 2, 3; 609.5315, subdivisions 1, 2, 5.

Referred to the Committee on Judiciary.

**Senator Sparks introduced–**

**S.F. No. 2635:** A bill for an act relating to retirement; authorizing a refund repayment by a Minnesota State Colleges and Universities System employee covered by the individual retirement account plan.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senators Wiger, Scheid, Higgins and Moua introduced–**

**S.F. No. 2636:** A bill for an act relating to public safety; authorizing a pilot project to allow judges to order electronic monitoring for domestic abuse offenders on pretrial release; amending Minnesota Statutes 2008, section 629.72, subdivision 2a.

Referred to the Committee on Judiciary.

**Senators Kubly, Dille, Koering and Vickerman introduced—**

**S.F. No. 2637:** A bill for an act relating to farm wineries; allowing the holder of an intoxicating liquor license to own and operate a farm winery; amending Minnesota Statutes 2008, section 340A.315, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Scheid, Frederickson and Rest introduced—**

**S.F. No. 2638:** A bill for an act relating to education finance; allowing school districts to use the health and safety levy for costs associated with preparing for seasonal virus prevention; amending Minnesota Statutes 2008, section 123B.57, subdivision 6.

Referred to the Committee on Finance.

**Senators Lourey, Sheran, Lynch, Marty and Erickson Ropes introduced—**

**S.F. No. 2639:** A bill for an act relating to human services; modifying programs and licensure provisions for services to persons with disabilities; amending Minnesota Statutes 2008, section 326B.43, subdivision 2; Minnesota Statutes 2009 Supplement, sections 245A.03, subdivision 7; 245A.11, subdivisions 7a, 7b; 256D.44, subdivision 5; Laws 2009, chapter 79, article 8, sections 81; 84.

Referred to the Committee on Health, Housing and Family Security.

**Senators Marty, Higgins and Dibble introduced—**

**S.F. No. 2640:** A bill for an act relating to landlord tenant law; modifying provisions related to expungement of eviction records; providing access to a unit for the personal representative of deceased tenant; amending Minnesota Statutes 2008, sections 484.014, subdivisions 2, 3, by adding subdivisions; 504B.225; 504B.231; 504B.375, subdivisions 1, 2, 5.

Referred to the Committee on Health, Housing and Family Security.

**Senators Kubly, Dille, Vickerman and Skoe introduced—**

**S.F. No. 2641:** A bill for an act relating to *Canis latrans*; providing a coyote conflict management option for counties; proposing coding for new law in Minnesota Statutes, chapter 348.

Referred to the Committee on Environment and Natural Resources.

**Senators Moua and Olson, M. introduced—**

**S.F. No. 2642:** A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to laws and statutes; amending Minnesota Statutes 2008, sections 3.7393, subdivision 12; 12A.05, subdivision 3; 13.321, subdivision 10; 13.411, subdivision 5; 13.861, subdivision 2; 16B.24, subdivision 5; 16D.11, subdivision 7; 53C.01, subdivision 12a; 84.797, subdivision 6; 84.803, subdivision 2; 84.8045; 115A.932, subdivision

1; 116.155, subdivision 3; 125A.64, subdivision 6; 126C.55, subdivision 6; 128D.03, subdivision 2; 129C.10, subdivision 8; 136F.61; 168.002, subdivision 13; 168.013, subdivision 1; 169.67, subdivision 1; 190.025, subdivision 3; 214.04, subdivision 1; 216B.1691, subdivision 1; 245A.18, subdivision 2; 256L.04, subdivision 1; 260C.301, subdivision 1; 270.41, subdivision 5; 273.1115, subdivisions 1, 3; 273.124, subdivision 11; 290.0921, subdivision 3a; 297A.61, subdivision 3; 309.72; 325F.675, subdivision 6; 325F.732, subdivision 2; 332.37; 332.40, subdivision 2; 332.52, subdivision 3; 374.02; 469.154, subdivision 3; 473.599, subdivision 8; 490.133; 507.071, subdivision 16; 515B.1-102; Minnesota Statutes 2009 Supplement, sections 16A.126, subdivision 1; 16C.138, subdivision 2; 47.60, subdivisions 4, 6; 53.09, subdivision 2; 69.772, subdivision 6; 116J.401, subdivision 2; 120B.30, subdivisions 1, 2; 122A.60, subdivision 2; 124D.10, subdivisions 3, 8, 14, 15, 23, 25; 152.025; 168.33, subdivision 7; 169.011, subdivision 71; 169.865, subdivision 1; 176.135, subdivision 8; 246B.06, subdivision 7; 256.969, subdivision 3b; 256B.0659, subdivision 3; 256B.5012, subdivision 8; 260C.212, subdivision 7; 270.97; 270C.445, subdivision 7; 299A.61, subdivision 1; 332B.07, subdivisions 1, 4; 332B.09, subdivision 3; 424A.02, subdivision 10; 571.914, subdivision 4; 626.557, subdivision 20; Laws 2009, chapter 78, article 8, section 22, subdivision 3; Laws 2009, chapter 79, article 10, section 48; repealing Minnesota Statutes 2008, sections 13.6435, subdivision 9; 15.38, subdivision 5; 168.098; 256B.041, subdivision 5; 256D.03, subdivision 5; Laws 2005, First Special Session chapter 4, article 8, section 87; Laws 2006, chapter 277, article 1, sections 1; 3; Laws 2008, chapter 287, article 1, section 104; Laws 2008, chapter 300, section 6; Laws 2009, chapter 78, article 4, section 41; Laws 2009, chapter 88, article 6, sections 14; 15; 16; Laws 2009, chapter 169, article 10, section 32; Minnesota Rules, parts 9525.0750; 9525.0760; 9525.0770; 9525.0780; 9525.0790; 9525.0800; 9525.0810; 9525.0820; 9525.0830.

Referred to the Committee on Judiciary.

**Senator Scheid introduced—**

**S.F. No. 2643:** A bill for an act relating to financial institutions; providing for the licensing and regulation of an individual engaged in the business of a mortgage loan origination or the mortgage loan business; proposing coding for new law as Minnesota Statutes, chapter 58A.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Betzold introduced—**

**S.F. No. 2644:** A bill for an act relating to retirement; Minneapolis Employees Retirement Fund; transfer of administrative functions to the Public Employees Retirement Association; creation of MERF consolidation account within the Public Employees Retirement Association; appropriating money; amending Minnesota Statutes 2008, sections 11A.23, subdivision 4; 13D.01, subdivision 1; 43A.17, subdivision 9; 43A.316, subdivision 8; 69.021, subdivision 10; 126C.41, subdivision 3; 256D.21; 353.01, subdivision 2b, by adding subdivisions; 353.03, subdivision 1; 353.05; 353.27, as amended; 353.34, subdivisions 1, 6; 353.37, subdivisions 1, 2, 3, 4, 5; 353.46, subdivisions 2, 6; 353.64, subdivision 7; 353.71, subdivision 4; 353.86, subdivisions 1, 2; 353.87, subdivisions 1, 2; 353.88; 354.71; 354A.011, subdivision 27; 354A.39; 356.214, subdivision 1; 356.215, subdivision 8; 356.30, subdivision 3; 356.302, subdivisions 1, 7; 356.303, subdivision 4; 356.407, subdivision 2; 356.431, subdivision 1; 356.465, subdivision 3; 356.64; 356.65, subdivision 2; 356.91; 422A.101, subdivision 3; 422A.26; 473.511, subdivision 3; 473.606, subdivision 5; 475.52, subdivision 6; Minnesota Statutes 2009 Supplement, sections 6.67; 69.011, subdivision 1;

69.031, subdivision 5; 352.01, subdivision 2b; 353.01, subdivision 2a; 353.06; 356.20, subdivision 2; 356.215, subdivision 11; 356.32, subdivision 2; 356.401, subdivision 3; 356.415, subdivision 2; 356.96, subdivision 1; 480.181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 353; repealing Minnesota Statutes 2008, sections 13.63, subdivision 1; 69.011, subdivision 2a; 356.43; 422A.01, subdivisions 1, 2, 3, 4, 4a, 5, 6, 7, 8, 9, 10, 11, 12, 13a, 17, 18; 422A.02; 422A.03; 422A.04; 422A.05, subdivisions 1, 2a, 2b, 2c, 2d, 2e, 2f, 5, 6, 8; 422A.06, subdivisions 1, 2, 3, 5, 6, 7; 422A.08, subdivision 1; 422A.09; 422A.10; 422A.101, subdivisions 1, 1a, 2, 2a; 422A.11; 422A.12; 422A.13; 422A.14, subdivision 1; 422A.15; 422A.151; 422A.155; 422A.156; 422A.16, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 422A.17; 422A.18, subdivisions 1, 2, 3, 4, 5, 7; 422A.19; 422A.20; 422A.21; 422A.22, subdivisions 1, 3, 4, 6; 422A.23, subdivisions 1, 2, 5, 6, 7, 8, 9, 10, 11, 12; 422A.231; 422A.24; 422A.25; Minnesota Statutes 2009 Supplement, sections 422A.06, subdivision 8; 422A.08, subdivision 5.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senators Pappas, Marty, Wiger, Torres Ray and Sieben introduced—**

**S.F. No. 2645:** A bill for an act relating to education; creating a responsible family life and sexuality education program; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2008, section 121A.23.

Referred to the Committee on Health, Housing and Family Security.

**Senators Hann and Ingebrigtsen introduced—**

**S.F. No. 2646:** A bill for an act relating to veterans; delaying the sunset date for the higher education veterans assistance program; amending Minnesota Statutes 2008, section 197.585, subdivision 5.

Referred to the Committee on Agriculture and Veterans.

**Senators Hann and Ingebrigtsen introduced—**

**S.F. No. 2647:** A bill for an act relating to taxation; eliminating the income-based reduction of the individual income tax credit for prior military service; amending Minnesota Statutes 2008, section 290.0677, subdivision 1a.

Referred to the Committee on Taxes.

**Senators Hann and Ingebrigtsen introduced—**

**S.F. No. 2648:** A bill for an act relating to education; authorizing suspensions without pay for teachers charged with felonies; amending Minnesota Statutes 2008, section 122A.40, subdivision 13.

Referred to the Committee on Education.

**Senators Hann and Jungbauer introduced–**

**S.F. No. 2649:** A bill for an act relating to education finance; expanding the number of public school pupils covered by the permanent school fund endowment apportionment; amending Minnesota Statutes 2008, sections 123A.55; 127A.33.

Referred to the Committee on Finance.

**Senators Hann and Gerlach introduced–**

**S.F. No. 2650:** A bill for an act relating to state government; establishing a process for state consideration of federal mandates; proposing coding for new law in Minnesota Statutes, chapter 1.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senators Gerlach and Johnson introduced–**

**S.F. No. 2651:** A bill for an act relating to utilities; modifying wire crossing or paralleling utility line provisions; amending Minnesota Statutes 2008, section 237.04.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senators Torres Ray, Pappas, Limmer, Higgins and Ortman introduced–**

**S.F. No. 2652:** A bill for an act relating to public safety; clarifying and recodifying certain provisions and modifying certain definitions in the prostitution laws; amending Minnesota Statutes 2008, sections 609.321, subdivisions 4, 8, 9; 609.324, by adding subdivisions; Minnesota Statutes 2009 Supplement, section 609.324, subdivisions 2, 3.

Referred to the Committee on Judiciary.

**Senator Murphy introduced–**

**S.F. No. 2653:** A bill for an act relating to transportation; amending requirements for type III vehicle drivers; amending Minnesota Statutes 2008, section 171.321, subdivision 2; Minnesota Statutes 2009 Supplement, section 171.02, subdivision 2b.

Referred to the Committee on Transportation.

**Senators Olson, M.; Chaudhary; Anderson; Metzen and Clark introduced–**

**S.F. No. 2654:** A bill for an act relating to natural resources; appropriating money for a pilot program on water quality enhancement.

Referred to the Committee on Finance.

**Senator Rummel introduced–**

**S.F. No. 2655:** A bill for an act relating to water; requiring public water suppliers to recover the costs of providing service; modifying eligibility for loans and grants administered by the Public

Facilities Authority; amending Minnesota Statutes 2008, sections 444.075, subdivision 3; 446A.051, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Senators Skoe, Langseth, Sparks, Stumpf and Frederickson introduced—**

**S.F. No. 2656:** A bill for an act relating to natural resources; increasing watershed district borrowing authority; amending Minnesota Statutes 2008, section 103D.335, subdivision 17.

Referred to the Committee on Finance.

**Senator Erickson Ropes introduced—**

**S.F. No. 2657:** A bill for an act relating to veterans; waiving certain application fees for persons serving in active service or retired from active service; proposing coding for new law in Minnesota Statutes, chapter 197.

Referred to the Committee on Agriculture and Veterans.

**Senator Murphy introduced—**

**S.F. No. 2658:** A bill for an act relating to transportation; authorizing road authority to issue annual permit for overweight vehicle transporting milk under certain circumstances; amending Minnesota Statutes 2009 Supplement, section 169.865, by adding a subdivision.

Referred to the Committee on Transportation.

## MOTIONS AND RESOLUTIONS

Senator Marty moved that the name of Senator Betzold be added as a co-author to S.F. No. 2139. The motion prevailed.

Senator Bonoff moved that the name of Senator Lynch be added as a co-author to S.F. No. 2326. The motion prevailed.

Senator Scheid moved that the name of Senator Clark be added as a co-author to S.F. No. 2430. The motion prevailed.

Senator Skogen moved that the name of Senator Higgins be added as a co-author to S.F. No. 2605. The motion prevailed.

Senator Sieben moved that the names of Senators Gerlach, Rest, Bonoff and Gimse be added as co-authors to S.F. No. 2622. The motion prevailed.

Senator Fobbe moved that S.F. No. 2617 be withdrawn from the Committee on Taxes and re-referred to the Committee on Agriculture and Veterans. The motion prevailed.

Senator Latz moved that S.F. No. 2149 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Rest moved that S.F. No. 2582 be withdrawn from the Committee on State and Local Government Operations and Oversight and re-referred to the Committee on Finance. The motion prevailed.

Senator Torres Ray moved that S.F. No. 1531 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Senator Betzold moved that S.F. No. 2322 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Olson, M. moved that S.F. No. 1756 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Senator Pogemiller, for Senator Metzen, moved that S.F. No. 2253 be withdrawn from the Committee on Finance and re-referred to the Committee on Transportation. The motion prevailed.

Senator Pogemiller moved that H.F. No. 2700 be taken from the table. The motion prevailed.

**H.F. No. 2700:** A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale and issuance of state bonds; cancelling and modifying previous appropriations; appropriating money; amending Minnesota Statutes 2008, sections 16A.105; 16A.501; 16A.66, subdivision 2; 103F.161, subdivisions 1, 3; 103F.515, by adding a subdivision; 116J.435, as amended; 174.50, subdivisions 6, 7; 256E.37, subdivisions 1, 2; Minnesota Statutes 2009 Supplement, sections 16A.647, subdivisions 1, 5; 16A.86, subdivision 3a; Laws 2005, chapter 20, article 1, sections 19, subdivision 4; 23, subdivision 12, as amended; Laws 2006, chapter 258, sections 5, subdivision 3; 8, subdivision 4; 17, subdivision 5; 21, subdivision 14, as amended; Laws 2008, chapter 152, article 2, section 3, subdivision 2; Laws 2008, chapter 179, sections 5, subdivision 4; 7, subdivisions 8, 27; 21, subdivision 9; Laws 2008, chapter 365, sections 4, subdivision 3; 5, subdivision 2; 24, subdivision 2; 25; Laws 2009, chapter 93, article 1, sections 11, subdivision 5; 20; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; repealing Laws 2009, chapter 93, article 1, section 45.

### SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2700 and that the rules of the Senate be so far suspended as to give H.F. No. 2700 its second and third reading and place it on its final passage.

### CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on H.F. No. 2700. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 45 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Latz	Pappas	Sieben
Bakk	Dibble	Lourey	Pogemiller	Skoe
Berglin	Doll	Lynch	Prettner Solon	Skogen
Betzold	Erickson Ropes	Marty	Rest	Sparks
Bonoff	Fobbe	Metzen	Rummel	Stumpf
Carlson	Foley	Moua	Saltzman	Tomassoni
Chaudhary	Higgins	Murphy	Saxhaug	Torres Ray
Clark	Kubly	Olseen	Scheid	Vickerman
Cohen	Langseth	Olson, M.	Sheran	Wiger

Those who voted in the negative were:

Dille	Hann	Koering	Pariseau	Vandev eer
Fischbach	Ingebrigtsen	Limmer	Parry	
Frederickson	Johnson	Michel	Robling	
Gerlach	Jungbauer	Olson, G.	Rosen	
Gimse	Koch	Ortman	Senjem	

The motion prevailed.

H.F. No. 2700 was read the second time.

Senator Langseth moved to amend H.F. No. 2700 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2700, and insert the language after the enacting clause, and the title, of S.F. No. 2360, the second engrossment.

The motion prevailed. So the amendment was adopted.

Senator Gerlach moved to amend H.F. No. 2700, as amended by the Senate February 16, 2010, as follows:

(The text of the amended House File is identical to S.F. No. 2360.)

Page 66, after line 29, insert:

"Sec. 29. Minnesota Statutes 2008, section 16B.35, subdivision 1, is amended to read:

Subdivision 1. **Percent of appropriations for art.** An appropriation for the construction or alteration of any state building may contain an amount not to exceed the lesser of \$100,000 or one percent of the total appropriation for the building for the acquisition of works of art, excluding landscaping, which may be an integral part of the building or its grounds, attached to the building or grounds or capable of being displayed in other state buildings. Money used for this purpose is available only for the acquisition of works of art to be exhibited in areas of a building or its grounds accessible, on a regular basis, to members of the public. No more than ten percent of the total amount available each fiscal year under this subdivision may be used for administrative expenses, either by the commissioner of administration or by any other entity to whom the commissioner delegates administrative authority. For the purposes of this section "state building" means a building the construction or alteration of which is paid for wholly or in part by the state."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

Senator Pogemiller moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Bonoff	Gimse	Koering	Parry	Sparks
Clark	Hann	Kubly	Rest	Vandev eer
Dille	Ingebrigtsen	Limmer	Robling	
Fischbach	Johnson	Michel	Rosen	
Fobbe	Jungbauer	Olson, G.	Senjem	
Gerlach	Koch	Ortman	Skogen	

Those who voted in the negative were:

Anderson	Dibble	Lourey	Pogemiller	Skoe
Bakk	Doll	Lynch	Prettner Solon	Stumpf
Berglin	Erickson Ropes	Marty	Rummel	Tomassoni
Betzold	Foley	Metzen	Saltzman	Torres Ray
Carlson	Frederickson	Moua	Saxhaug	Vickerman
Chaudhary	Higgins	Murphy	Scheid	Wiger
Cohen	Langseth	Olseen	Sheran	
Dahle	Latz	Pappas	Sieben	

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

H.F. No. 2700 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 53 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Langseth	Pappas	Sieben
Bakk	Erickson Ropes	Latz	Pariseau	Skoe
Berglin	Fobbe	Lourey	Pogemiller	Skogen
Betzold	Foley	Lynch	Prettner Solon	Sparks
Bonoff	Frederickson	Marty	Rest	Stumpf
Carlson	Gimse	Metzen	Rosen	Tomassoni
Chaudhary	Higgins	Moua	Rummel	Torres Ray
Clark	Ingebrigtsen	Murphy	Saltzman	Vickerman
Cohen	Jungbauer	Olseen	Saxhaug	Wiger
Dahle	Koering	Olson, G.	Scheid	
Dibble	Kubly	Olson, M.	Sheran	

Those who voted in the negative were:

Doll	Hann	Limmer	Parry	Vandev eer
Fischbach	Johnson	Michel	Robling	
Gerlach	Koch	Ortman	Senjem	

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved

that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

### CALENDAR

**S.F. No. 2251:** A bill for an act relating to elections; changing the date of the state primary; changing certain primary-related dates and provisions; amending Minnesota Statutes 2008, sections 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323; 203B.06, subdivision 1; 203B.081; 203B.11, subdivision 2; 203B.13, subdivision 2; 203B.17, subdivision 1; 203B.22; 203B.225, subdivision 1; 203B.23, subdivision 2; 204B.09, subdivision 1; 204B.14, subdivisions 2, 4; 204B.21, subdivision 1; 204B.33; 204B.35, subdivision 4; 204B.45, subdivision 2; 204C.26, subdivision 3; 204D.03, subdivision 1; 204D.09, subdivision 1; 204D.17; 204D.19; 204D.28, subdivisions 5, 6, 8, 9, 10; 205.065, subdivisions 1, 2; 205.13, subdivision 1a; 205.16, subdivisions 4, 5; 205A.03, subdivisions 1, 2; 205A.05, subdivision 3; 205A.06, subdivision 1a; 205A.07, subdivisions 3, 3a, 3b; 205A.11, subdivision 2a; 206.61, subdivision 5; 208.03; 211B.045; 410.12, subdivision 1; 447.32, subdivision 4; Minnesota Statutes 2009 Supplement, section 206.82, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 204D.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Koering	Olson, M.	Scheid
Bakk	Fischbach	Langseth	Ortman	Senjem
Berglin	Fobbe	Latz	Pappas	Sheran
Betzold	Foley	Limmer	Pariseau	Sieben
Bonoff	Frederickson	Lourey	Parry	Skoe
Carlson	Gerlach	Lynch	Pogemiller	Skogen
Chaudhary	Gimse	Marty	Prettner Solon	Sparks
Clark	Hann	Metzen	Rest	Stumpf
Cohen	Higgins	Michel	Robling	Tomassoni
Dahle	Ingebrigtsen	Moua	Rosen	Torres Ray
Dibble	Johnson	Murphy	Rummel	Vandever
Dille	Jungbauer	Olseen	Saltzman	Vickerman
Doll	Koch	Olson, G.	Saxhaug	Wiger

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### SUSPENSION OF RULES

Senator Pogemiller moved that Rule 22.3 be suspended as to the lie-over requirement on S.F. No. 2352 on General Orders. The motion prevailed.

**GENERAL ORDERS**

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Metzen reported that the committee had considered the following:

S.F. No. 2352, which the committee recommends to pass.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

**MOTIONS AND RESOLUTIONS**

Senator Rest moved that the following appointments reported in the Senate Journal for February 11, 2010, be taken from the table and returned to the Committee on State and Local Government Operations and Oversight.

**METROPOLITAN COUNCIL**

Richard Aguilar  
Polly Peterson Bowles  
Craig J. Peterson

**BOARD OF THE ARTS**

Brooke Barsness

The motion prevailed.

Senator Chaudhary moved that the appointments withdrawn from the Committee on Environment and Natural Resources and placed on the Confirmation Calendar under Senate Rule 8.2, reported in the Senate Journal for February 15, 2010, be returned to the committee from which they were withdrawn.

**CLEAN WATER COUNCIL**

Keith Hanson

**MINNESOTA POLLUTION CONTROL AGENCY**

Dennis Jensen  
Kathy Lohmer

The motion prevailed.

Senator Cohen moved that S.F. No. 1481 be taken from the table. The motion prevailed.

**S.F. No. 1481:** A bill for an act relating to the budget reserve; modifying priorities for additional revenues in general fund forecasts; requiring a report; amending Minnesota Statutes 2008, sections 16A.103, subdivisions 1a, 1b, by adding a subdivision; 16A.11, subdivision 1, by adding a subdivision; 16A.152, subdivision 2, by adding a subdivision.

Senator Cohen moved that S.F. No. 1481 be re-referred to the Conference Committee as formerly constituted for further consideration. The motion prevailed.

### RECESS

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2700:

**H.F. No. 2700:** A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale and issuance of state bonds; cancelling and modifying previous appropriations; appropriating money; amending Minnesota Statutes 2008, sections 16A.105; 16A.501; 16A.66, subdivision 2; 103F.161, subdivisions 1, 3; 103F.515, by adding a subdivision; 116J.435, as amended; 174.50, subdivisions 6, 7; 256E.37, subdivisions 1, 2; Minnesota Statutes 2009 Supplement, sections 16A.647, subdivisions 1, 5; 16A.86, subdivision 3a; Laws 2005, chapter 20, article 1, sections 19, subdivision 4; 23, subdivision 12, as amended; Laws 2006, chapter 258, sections 5, subdivision 3; 8, subdivision 4; 17, subdivision 5; 21, subdivision 14, as amended; Laws 2008, chapter 152, article 2, section 3, subdivision 2; Laws 2008, chapter 179, sections 5, subdivision 4; 7, subdivisions 8, 27; 21, subdivision 9; Laws 2008, chapter 365, sections 4, subdivision 3; 5, subdivision 2; 24, subdivision 2; 25; Laws 2009, chapter 93, article 1, sections 11, subdivision 5; 20; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; repealing Laws 2009, chapter 93, article 1, section 45.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Hausman, Wagenius, Solberg, Scalze and Howes have been appointed as such committee on the part of the House.

House File No. 2700 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted February 16, 2010

Senator Langseth moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2700, and that a Conference Committee of 5 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.

### **RECESS**

Senator Pogemiller 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.

### **APPOINTMENTS**

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

H.F. No. 2700: Senators Langseth, Tomassoni, Pappas, Koering and Lynch.

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

### **MEMBERS EXCUSED**

Senator Kelash was excused from the Session of today. Senator Marty was excused from the Session of today from 11:45 a.m. to 12:00 noon. Senator Kubly was excused from the Session of today at 12:20 p.m.

### **ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Thursday, February 18, 2010. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

