

TWENTY-SECOND DAY

St. Paul, Minnesota, Wednesday, March 9, 2011

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. David Hennen.

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:

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 2, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear President Fischbach:

As Senate Minority leader and pursuant to Minnesota Statutes 3.303, Subd. 2, I have appointed Senator Goodwin to the Legislative Coordinating Commission for the 87th Legislative Session.

Sincerely,
Thomas M. Bakk
DFL Caucus Leader
Senate District 6

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 362.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 7, 2011

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 362: A bill for an act relating to real property; allowing common interest community unit owners to obtain copies of association records; specifying access to and charges for copying records; amending Minnesota Statutes 2010, section 515B.3-118.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 241, now on General Orders.

REPORTS OF COMMITTEES

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

Senator Parry from the Committee on State Government Innovation and Veterans, to which was re-referred

S.F. No. 196: A bill for an act relating to environment; requiring a study on state and local water management.

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

Senator Parry from the Committee on State Government Innovation and Veterans, to which was re-referred

S.F. No. 161: A bill for an act relating to environment; requiring coordination with Wisconsin in establishing a phosphorus standard for Lake Pepin.

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

Senator Michel from the Committee on Jobs and Economic Growth, to which was referred

S.F. No. 225: A bill for an act relating to manufactured homes; providing for inspections; modifying alternative design plans and reinstallation requirements; amending Minnesota Statutes 2010, sections 327.32, subdivisions 1a, 1b, 1e; 327.33, subdivision 1, by adding subdivisions.

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

Page 2, line 33, strike "feet"

Page 3, line 4, strike "feet"

Page 3, after line 32, insert:

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

Page 4, line 5, delete "....." and insert "the day following final enactment."

Page 4, line 27, delete "....." and insert "the day following final enactment."

Page 4, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2010, section 327.33, subdivision 1, is amended to read:

Subdivision 1. **Inspections.** The commissioner shall, through the department's inspectors or through a designated recognized inspection service acting as authorized representative of the commissioner perform sufficient inspections of manufacturing premises and manufactured homes to ensure compliance with sections 327.31 to 327.35, except that municipalities which have adopted the State Building Code may provide inspection and plan review services in noncode areas of the state. ~~The commissioner shall have the exclusive right to conduct inspections, except for the inspections conducted or authorized by the secretary.~~

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

Sec. 5. Minnesota Statutes 2010, section 327.33, subdivision 2, is amended to read:

Subd. 2. **Fees.** The commissioner shall by rule establish reasonable fees for seals, installation seals and inspections which are sufficient to cover all costs incurred in the administration of sections 327.31 to 327.35. The commissioner shall also establish by rule a monitoring inspection fee in an amount that will comply with the secretary's fee distribution program. This monitoring inspection fee shall be an amount paid by the manufacturer for each manufactured home produced in Minnesota. The monitoring inspection fee shall be paid by the manufacturer to the secretary. The rules of the fee distribution program require the secretary to distribute the fees collected from all manufactured home manufacturers among states approved and conditionally approved based on the number of new manufactured homes whose first location after leaving the manufacturer is on the premises of a distributor, dealer or purchaser in that state. Fees for inspections in areas that

have not adopted the State Building Code must be equal to the fees for inspections in code areas of the state. Third-party vendors may charge their usual and normal charge for inspections.

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

Page 5, delete sections 5 to 7

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.

Senator Rosen from the Committee on Energy, Utilities and Telecommunications, to which was referred

S.F. No. 86: A bill for an act relating to energy; removing ban on increased carbon dioxide emissions by utilities; amending Minnesota Statutes 2010, section 216H.02, subdivision 4; repealing Minnesota Statutes 2010, section 216H.03.

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

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

H.F. No. 258 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.
258	217				

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.

SECOND READING OF SENATE BILLS

S.F. No. 86 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 258 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Gazelka, Hann, Thompson, Torres Ray and Rest introduced–

S.F. No. 650: A bill for an act relating to human services; appropriating money for compulsive gambling.

Referred to the Committee on State Government Innovation and Veterans.

Senators Benson, Hoffman, Sparks and Parry introduced–

S.F. No. 651: A bill for an act relating to state government; promoting efficiency and energy savings through electronic conduct of state meetings and through telework; proposing coding for new law in Minnesota Statutes, chapters 3; 15.

Referred to the Committee on State Government Innovation and Veterans.

Senators Chamberlain, Ortman and Howe introduced–

S.F. No. 652: A bill for an act relating to taxation; providing a tax amnesty period; appropriating money.

Referred to the Committee on Taxes.

Senator Chamberlain introduced–

S.F. No. 653: A bill for an act relating to the city of Lino Lakes; allowing extension of a tax increment financing district.

Referred to the Committee on Taxes.

Senator Newman introduced–

S.F. No. 654: A bill for an act relating to probate; changing, updating, and clarifying certain provisions of the Uniform Disclaimer of Property Interests Act; amending Minnesota Statutes 2010, sections 524.2-1103; 524.2-1104; 524.2-1106; 524.2-1107; 524.2-1114; 524.2-1115; 524.2-1116.

Referred to the Committee on Judiciary and Public Safety.

Senator Newman introduced–

S.F. No. 655: A bill for an act relating to guardianship; clarifying certain compensation provisions; amending Minnesota Statutes 2010, section 524.5-502.

Referred to the Committee on Judiciary and Public Safety.

Senators Goodwin, Berglin, Rest, Bonoff and Bakk introduced–

S.F. No. 656: A bill for an act relating to capital improvements; appropriating money for a bicycle and pedestrian trail to connect the Northtown Transit hub to the metropolitan regional trail and to provide a safe route for elementary school students; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Ingebrigtsen and Pederson introduced—

S.F. No. 657: A bill for an act relating to water; appropriating money from the clean water fund; modifying the Clean Water Legacy Act; revising membership and duties of the Clean Water Council; providing appointments; amending Minnesota Statutes 2010, sections 114D.10; 114D.20, subdivisions 1, 2, 3, 6, 7; 114D.30; 114D.35; repealing Minnesota Statutes 2010, section 114D.45.

Referred to the Committee on Environment and Natural Resources.

Senators Scheid and Rest introduced—

S.F. No. 658: A bill for an act relating to capital investment; appropriating money for higher education asset preservation and replacement and North Hennepin Community College; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Bonoff, Rest and Limmer introduced—

S.F. No. 659: A bill for an act relating to highways; appropriating money for adding lanes to a portion of Interstate Highway 494; authorizing sale of trunk highway bonds.

Referred to the Committee on Transportation.

Senator Bakk introduced—

S.F. No. 660: A bill for an act relating to local sales tax; requesting Department of Revenue to report on use of zip codes in collecting local sales taxes.

Referred to the Committee on Taxes.

Senator Bakk introduced—

S.F. No. 661: A bill for an act relating to the city of Hermantown; modifying its current local sales tax rate; amending Laws 1996, chapter 471, article 2, section 29, subdivision 1, as amended.

Referred to the Committee on Taxes.

Senator Bakk introduced—

S.F. No. 662: A bill for an act relating to capital investment; appropriating money for the Two Harbors Marina; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Bakk introduced—

S.F. No. 663: A bill for an act relating to capital investment; appropriating money for expansion

of a campground in the city of Two Harbors; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Senjem introduced—

S.F. No. 664: A bill for an act relating to capital investment; appropriating money for flood hazard mitigation grants; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Pappas and Michel introduced—

S.F. No. 665: A bill for an act relating to state government; designating the month of April as Genocide Awareness and Prevention Month; proposing coding for new law in Minnesota Statutes, chapter 10.

Referred to the Committee on State Government Innovation and Veterans.

Senators Bonoff, Scheid, Rest and Vandever introduced—

S.F. No. 666: A bill for an act relating to real property; requiring transaction agents to disclose information on lenders for residential mortgage loans; requiring additional data in foreclosure notices; amending Minnesota Statutes 2010, section 580.025, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 58.

Referred to the Committee on Commerce and Consumer Protection.

Senator Bonoff introduced—

S.F. No. 667: A bill for an act relating to capital investment; appropriating money to purchase land within the statutory boundaries of Crow Wing State Park; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Magnus, Miller, Ingebrigtsen, Dahms and Skoe introduced—

S.F. No. 668: A bill for an act relating to agriculture; appropriating money for agricultural clean water programs.

Referred to the Committee on Environment and Natural Resources.

Senator Sparks introduced—

S.F. No. 669: A bill for an act relating to capital improvements; appropriating money for a water and sewer project in the city of Albert Lea; authorizing the issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Thompson, Olson, Lillie, Daley and Carlson introduced–

S.F. No. 670: A bill for an act relating to state government; removing certain restrictions relating to outside contractors; amending Minnesota Statutes 2010, sections 16C.08, subdivision 2; 16C.09; repealing Minnesota Statutes 2010, sections 16C.085; 43A.047; 179A.23.

Referred to the Committee on State Government Innovation and Veterans.

Senators Pappas and Sheran introduced–

S.F. No. 671: A bill for an act relating to taxation; sales; extending the tax to certain cosmetic procedures; amending Minnesota Statutes 2010, section 297A.61, subdivision 3.

Referred to the Committee on Taxes.

Senator Ingebrigtsen introduced–

S.F. No. 672: A bill for an act relating to motor vehicles; providing for unmarked vehicle plates for conservation officers; amending Minnesota Statutes 2010, section 168.012, subdivision 1; repealing Minnesota Statutes 2010, section 168.012, subdivision 1b.

Referred to the Committee on Transportation.

Senators Ingebrigtsen and Gimse introduced–

S.F. No. 673: A bill for an act relating to natural resources; creating an adopt-a-WMA program; proposing coding for new law in Minnesota Statutes, chapter 97A.

Referred to the Committee on Environment and Natural Resources.

Senator Carlson introduced–

S.F. No. 674: A bill for an act relating to capital investment; appropriating money for the Headwaters Regional Center for Science, History, Culture, and the Arts; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Ingebrigtsen and Hall introduced–

S.F. No. 675: A bill for an act relating to natural resources; modifying enforcement provisions; amending Minnesota Statutes 2010, sections 299C.40, subdivision 1; 609.66, subdivision 1h.

Referred to the Committee on Environment and Natural Resources.

Senators Saxhaug and Bakk introduced–

S.F. No. 676: A bill for an act relating to waters; appropriating money for the Voyageurs National Park clean water project.

Referred to the Committee on Environment and Natural Resources.

Senators Howe, Michel, Bakk and Ortman introduced—

S.F. No. 677: A bill for an act relating to taxation; sales and use; medical devices; amending Minnesota Statutes 2010, section 297A.67, subdivision 7.

Referred to the Committee on Taxes.

Senators Gazelka, Fischbach, Daley and Parry introduced—

S.F. No. 678: A bill for an act relating to game and fish; expanding game and fish lottery and drawing preferences for service members; amending Minnesota Statutes 2010, section 97A.465, subdivision 5.

Referred to the Committee on Environment and Natural Resources.

Senator Lourey introduced—

S.F. No. 679: A bill for an act relating to capital investment; appropriating money for the Regional Earl Ellens Park and Riverside Center as trailhead for the Willard Munger State Trail; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Newman, Limmer, Scheid and Howe introduced—

S.F. No. 680: A bill for an act relating to crime; creating the crime of organized retail theft; adding organized retail theft to list of designated offenses; amending Minnesota Statutes 2010, sections 609.531, subdivision 1; 609.902, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary and Public Safety.

Senators Tomassoni, Bakk and Saxhaug introduced—

S.F. No. 681: A bill for an act relating to taxation; minerals; modifying the rates of taxation of nonferrous minerals; modifying the distribution of the net proceed and taconite production taxes; amending Minnesota Statutes 2010, sections 298.01, subdivision 3; 298.015, subdivision 1; 298.018, subdivision 1; 298.28, subdivisions 3, 11.

Referred to the Committee on Taxes.

Senators Dibble and Marty introduced—

S.F. No. 682: A bill for an act relating to transportation; appropriating money to Center for Transportation Studies for a study on motor fuel use for nonhighway purposes.

Referred to the Committee on Transportation.

Senators Dibble, Lourey, Marty, Pappas and Bakk introduced—

S.F. No. 683: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, by adding a section; defining the term "person."

Referred to the Committee on Judiciary and Public Safety.

Senators Higgins, Olson and Hall introduced—

S.F. No. 684: A bill for an act relating to natural resources; appropriating money for Hennepin County lake and stream improvements.

Referred to the Committee on Environment and Natural Resources.

Senators Chamberlain and Bonoff introduced—

S.F. No. 685: A bill for an act relating to education finance; modifying the capital project referendum ballot language in cases where the same level of taxing authority is renewed; amending Minnesota Statutes 2010, section 123B.63, subdivision 3.

Referred to the Committee on Education.

Senator Parry introduced—

S.F. No. 686: A bill for an act relating to taxation; authorizing the city of Medford to impose a local sales and use tax.

Referred to the Committee on Taxes.

Senator Senjem introduced—

S.F. No. 687: A bill for an act relating to taxation; gross revenues; exempting certain payments; amending Minnesota Statutes 2010, section 295.53, subdivision 1.

Referred to the Committee on Taxes.

Senators Rosen and Sheran introduced—

S.F. No. 688: A bill for an act relating to corrections; requiring commissioner to fund certain county sentence to service programs.

Referred to the Committee on Judiciary and Public Safety.

Senators Gimse and Ingebrigtsen introduced—

S.F. No. 689: A bill for an act relating to transportation; amending formula requirements in allocating state aid for town roads; amending Minnesota Statutes 2010, section 162.081, subdivision 4.

Referred to the Committee on Transportation.

Senators Thompson, Howe, Sieben and Metzen introduced–

S.F. No. 690: A bill for an act relating to capital investment; appropriating money for spillway of Lake Byllesby Dam on the Cannon River; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Thompson, Gerlach, Sieben and Metzen introduced–

S.F. No. 691: A bill for an act relating to data practices; providing for optional disclosure of public appraisals by a government entity; amending Minnesota Statutes 2010, section 13.44, subdivision 3.

Referred to the Committee on Judiciary and Public Safety.

Senators Hall, Ingebrigtsen, Higgins and Saxhaug introduced–

S.F. No. 692: A bill for an act relating to natural resources; providing for certain acquisition by exchange; modifying peatland protection; modifying enforcement provisions for recreational vehicles; modifying cash match requirement for local recreation grants; modifying Mineral Coordinating Committee; repealing Blakeley State Wayside; appropriating money; amending Minnesota Statutes 2010, sections 84.033, subdivision 1; 84.035, subdivision 6; 84.925, subdivision 1; 85.018, subdivision 5; 85.019, subdivisions 4b, 4c; 86B.106; 86B.121; 93.0015, subdivisions 1, 3; repealing Minnesota Statutes 2010, section 85.013, subdivision 2b.

Referred to the Committee on Environment and Natural Resources.

Senators Dibble, Marty, Pappas, Bakk and Anderson introduced–

S.F. No. 693: A bill for an act relating to health; establishing a right to reproductive privacy; proposing coding for new law as Minnesota Statutes, chapter 145D.

Referred to the Committee on Health and Human Services.

MOTIONS AND RESOLUTIONS

Senator Scheid moved that her name be stricken as a co-author to S.F. No. 364. The motion prevailed.

Senator Pederson moved that the names of Senators Gazelka and Ortman be added as co-authors to S.F. No. 364. The motion prevailed.

Senator Scheid moved that her name be stricken as a co-author to S.F. No. 425. The motion prevailed.

Senator Ortman moved that the name of Senator Sheran be added as a co-author to S.F. No. 458. The motion prevailed.

Senator Goodwin moved that the name of Senator Scheid be added as a co-author to S.F. No. 462. The motion prevailed.

Senator Pogemiller moved that the name of Senator Michel be added as a co-author to S.F. No. 514. The motion prevailed.

Senator Magnus moved that the name of Senator Sheran be added as a co-author to S.F. No. 538. The motion prevailed.

Senator Goodwin moved that the names of Senators Higgins and Tomassoni be added as co-authors to S.F. No. 554. The motion prevailed.

Senator Jungbauer moved that the name of Senator Gazelka be added as a co-author to S.F. No. 570. The motion prevailed.

Senator Jungbauer moved that the name of Senator Goodwin be added as a co-author to S.F. No. 603. The motion prevailed.

Senator Benson moved that the name of Senator Rest be added as a co-author to S.F. No. 612. The motion prevailed.

Senator Marty moved that the name of Senator Rest be added as a co-author to S.F. No. 630. The motion prevailed.

Senator Senjem moved that the name of Senator Scheid be added as a co-author to S.F. No. 641. The motion prevailed.

Senator Bonoff moved that the name of Senator Rest be added as a co-author to S.F. No. 648. The motion prevailed.

Senator Hoffman moved that the names of Senators Gazelka, Benson and Carlson be added as co-authors to S.F. No. 649. The motion prevailed.

Senator Pederson moved that S.F. No. 500 be withdrawn from the Committee on State Government Innovation and Veterans and re-referred to the Committee on Capital Investment. The motion prevailed.

Senator Gerlach moved that S.F. No. 167 be withdrawn from the Committee on Finance, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 167 was read the second time.

MEMBERS EXCUSED

Senators Anderson, Langseth and Latz were excused from the Session of today.

ADJOURNMENT

Senator Michel moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 10, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

