

## NINETY-FOURTH DAY

St. Paul, Minnesota, Tuesday, March 27, 2012

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

**CALL OF THE SENATE**

Senator Senjem 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. Kevin McDonough.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

March 26, 2012

The Honorable Kurt Zellers  
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2012 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2012	Date Filed 2012
	300	136	12:54 p.m. March 26	March 26

Sincerely,  
Mark Ritchie  
Secretary of State

March 27, 2012

The Honorable Michelle L. Fischbach  
President of the Senate

Dear Senator Fischbach:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on Local Government and Elections, to which were referred the following appointments as reported in the Journal for March 29, 2011:

METROPOLITAN COUNCIL

James Brimeyer  
Steven Chavez  
Jon Commers  
Gary Cunningham  
John Doan  
Adam Duinick  
Steven Elkins  
Richard Kramer  
Harry Melander  
Jennifer Munt  
Edward Reynoso  
Sandra Rummel  
Lona Schreiber  
Roxanne Smith  
Gary Van Eyll

Wendy Wulff

Sincerely,  
Cal R. Ludeman  
Secretary of the Senate

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1542.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 26, 2012

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 1567:** A bill for an act relating to environment; providing for permitting efficiency; modifying environmental review requirements; modifying requirements for water supply plans; modifying terms for certain permits; appropriating money; amending Minnesota Statutes 2010, sections 41A.10, subdivision 1; 84.027, by adding a subdivision; 103G.291, subdivisions 3, 4; 115.03, by adding a subdivision; 116.07, subdivision 4a, by adding a subdivision; 116D.04, by adding a subdivision; 116J.03, by adding subdivisions; 116J.035, by adding a subdivision; Minnesota Statutes 2011 Supplement, sections 84.027, subdivision 14a; 116.03, subdivision 2b; 116D.04, subdivision 2a; repealing Minnesota Statutes 2010, section 103G.291, subdivision 4.

There has been appointed as such committee on the part of the House:

Fabian, Hancock, McNamara, Torkelson and Dill.

Senate File No. 1567 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 26, 2012

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2173, 2253, 2793 and 1923.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 26, 2012

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time.

**H.F. No. 2173:** A bill for an act relating to consumer protection; clarifying the definition of home solicitation sale; amending Minnesota Statutes 2010, section 325G.06, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2067, now on General Orders.

**H.F. No. 2253:** A bill for an act relating to human services; allowing out-of-state residential mental health treatment for certain children; amending Minnesota Statutes 2010, section 256B.0945, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1861, now on General Orders.

**H.F. No. 2793:** A bill for an act relating to transportation; traffic regulations; allowing vehicle combination to transport property and equipment; amending Minnesota Statutes 2010, section 169.81, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2426, now on General Orders.

**H.F. No. 1923:** A bill for an act relating to waters; requiring water supply demand reduction measures; amending Minnesota Statutes 2010, section 103G.291, subdivisions 3, 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1560, now on General Orders.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Nienow introduced—**

**S.F. No. 2565:** A bill for an act relating to employment; prohibiting employers from requiring social network passwords as a condition of employment; amending Minnesota Statutes 2010, section 181.53.

Referred to the Committee on Jobs and Economic Growth.

**Senators Senjem and Nelson introduced—**

**S.F. No. 2566:** A bill for an act relating to capital investment; appropriating money for Mayo Civic Center Expansion; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Senjem and Nelson introduced–**

**S.F. No. 2567:** A bill for an act relating to capital investment; appropriating money for a Minnesota veterans and emergency services museum in the city of Rochester; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Senjem and Nelson introduced–**

**S.F. No. 2568:** A bill for an act relating to unemployment compensation; modifying definition of noncovered employment; amending Minnesota Statutes 2011 Supplement, section 268.035, subdivision 20.

Referred to the Committee on Jobs and Economic Growth.

**Senators Harrington and Lillie introduced–**

**S.F. No. 2569:** A bill for an act relating to occupations and professions; requiring rulemaking to allow mobile barber shops.

Referred to the Committee on Jobs and Economic Growth.

**Senators Harrington, McGuire and Ingebrigtsen introduced–**

**S.F. No. 2570:** A bill for an act relating to public safety; making it a crime to falsely report the loss or theft of a firearm; expanding the crime of transferring certain firearms to an ineligible person; making a person convicted of these crimes ineligible to possess a firearm; amending Minnesota Statutes 2010, sections 609.165, subdivision 1a; 609.505, by adding a subdivision; 624.713, subdivision 1; 624.7141, subdivisions 1, 2, 3.

Referred to the Committee on Judiciary and Public Safety.

**MOTIONS AND RESOLUTIONS**

Senator Senjem moved that the name of Senator Nelson be added as a co-author to S.F. No. 516. The motion prevailed.

Senator Senjem moved that the name of Senator Nelson be added as a co-author to S.F. No. 1412. The motion prevailed.

Senator Thompson moved that the name of Senator DeKruif be added as a co-author to S.F. No. 2183. The motion prevailed.

Senator Lillie moved that the name of Senator Wiger be added as a co-author to S.F. No. 2559. The motion prevailed.

**Senator Nelson introduced –**

**Senate Resolution No. 142:** A Senate resolution congratulating the Plainview-Elgin-Millville

High School boys basketball team on winning the 2012 State High School Class AA boys basketball championship.

Referred to the Committee on Rules and Administration.

Senator Parry moved that the appointments withdrawn from the Committee on State Government Innovation and Veterans and placed on the Confirmation Calendar under Senate Rule 8.2, reported in the Journal for May 22, 2011, be returned to the committee from which they were withdrawn.

**BOARD OF THE ARTS**

Pamela Perri Weaver

**GAMBLING CONTROL BOARD**

Geno Fragnito

Susan McCarville

Gary Sigfrinius

**MINNESOTA RACING COMMISSION**

Mark A. Urista

The motion prevailed.

**SPECIAL ORDERS**

Pursuant to Rule 26, Senator Senjem, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. No. 2342, H.F. No. 2455, S.F. Nos. 1993, 2184, 1860, 1815, 2334, 1911, 1140, 1543, 1948, 1621, 1835, 2173 and 2014.

**SPECIAL ORDER**

**S.F. No. 2342:** A bill for an act relating to commerce; regulating auto insurance claims practices; amending Minnesota Statutes 2010, section 65B.54, subdivision 6.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

Sparks  
StumpfThompson  
TomassoniTorres Ray  
VandeverWiger  
Wolf

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 2455:** A bill for an act relating to the city of Montgomery; authorizing the city to convey property for less than market value.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1993:** A bill for an act relating to building codes; modifying licensing exemptions relating to installation of certain sump pumps; amending Minnesota Statutes 2011 Supplement, section 326B.46, subdivision 1a.

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:

Bakk	Dibble	Harrington	Latz	Nelson
Benson	Dziedzic	Hayden	Lillie	Newman
Bonoff	Eaton	Higgins	Limmer	Nienow
Brown	Fischbach	Hoffman	Lourey	Olson
Carlson	Gazelka	Howe	Magnus	Ortman
Chamberlain	Gerlach	Ingebrigtsen	Marty	Pappas
Cohen	Gimse	Jungbauer	McGuire	Parry
Dahms	Goodwin	Kelash	Metzen	Pederson
Daley	Hall	Kruse	Michel	Reinert
DeKruif	Hann	Langseth	Miller	Rest

Robling	Senjem	Skoe	Thompson	Vandevveer
Rosen	Sheran	Sparks	Tomassoni	Wiger
Saxhaug	Sieben	Stumpf	Torres Ray	Wolf

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2184:** A bill for an act relating to real property; registered land; providing for registration for time share interests; amending Minnesota Statutes 2010, section 508.58, subdivision 2, by adding subdivisions.

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:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1860:** A bill for an act relating to environment; modifying the definition of solid waste to exempt certain highway construction, improvement, or repair activities; amending Minnesota Statutes 2010, section 116.06, subdivision 22.

Senator Pederson moved to amend S.F. No. 1860 as follows:

Page 1, after line 20, insert:

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

The motion prevailed. So the amendment was adopted.

S.F. No. 1860 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 65 and nays 0, as follows:



Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**S.F. No. 1815:** A bill for an act relating to energy; establishing rights of incumbent transmission line owners regarding certain federally approved transmission lines; proposing coding for new law in Minnesota Statutes, chapter 216B.

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:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2334:** A bill for an act relating to lobbying; modifying principal reports; amending Minnesota Statutes 2010, section 10A.04, subdivision 6.

Senator Dibble moved to amend S.F. No. 2334 as follows:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2010, section 10A.01, subdivision 21, is amended to read:

Subd. 21. **Lobbyist.** (a) "Lobbyist" means an individual:

(1) engaged for pay or other consideration of more than \$3,000 from all sources in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; ~~or~~

(2) who spends more than \$250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or

(3) who attempts to influence legislative adoption of model legislation written or distributed by a principal.

(b) "Lobbyist" does not include:

(1) a public official;

(2) an employee of the state, including an employee of any of the public higher education systems;

(3) an elected local official;

(4) a nonelected local official or an employee of a political subdivision acting in an official capacity, unless the nonelected official or employee of a political subdivision spends more than 50 hours in any month attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit other than the political subdivision employing the official or employee, by communicating or urging others to communicate with public or local officials, including time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, and related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in this state, or to the policies of metropolitan governmental units;

(5) a party or the party's representative appearing in a proceeding before a state board, commission, or agency of the executive branch unless the board, commission, or agency is taking administrative action;

(6) an individual while engaged in selling goods or services to be paid for by public funds;

(7) a news medium or its employees or agents while engaged in the publishing or broadcasting of news items, editorial comments, or paid advertisements which directly or indirectly urge official action;

(8) a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony; or

(9) a party or the party's representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

(c) An individual who volunteers personal time to work without pay or other consideration on a

lobbying campaign, and who does not spend more than the limit in paragraph (a), clause (2), need not register as a lobbyist.

(d) An individual who provides administrative support to a lobbyist and whose salary and administrative expenses attributable to lobbying activities are reported as lobbying expenses by the lobbyist, but who does not communicate or urge others to communicate with public or local officials, need not register as a lobbyist.

Sec. 2. Minnesota Statutes 2010, section 10A.01, is amended by adding a subdivision to read:

Subd. 25a. **Model legislation.** "Model legislation" means legislation written or distributed by a principal to public officials of more than one state.

Sec. 3. Minnesota Statutes 2010, section 10A.01, subdivision 33, is amended to read:

Subd. 33. **Principal.** "Principal" means an individual or association that:

(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; ~~or~~

(2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subdivision 6; or

(3) drafts, promotes, or distributes model legislation to any public official of this state with the purpose of influencing a public official to introduce the legislation or vote in favor of the legislation.

Sec. 4. Minnesota Statutes 2010, section 10A.01, is amended by adding a subdivision to read:

Subd. 35a. **Scholarship funds.** "Scholarship funds" means money or other financial support given by a principal to, or on behalf of, a public official to reimburse or pay for all or part of the costs of attending a conference, meeting, or event where model legislation will be presented, discussed, distributed, or made available."

Page 2, after line 2, insert:

"(e) A principal that grants scholarship funds for a public official to attend a conference, meeting, or event must report:

(1) the names of all public officials that received scholarship funds for attendance at the conference, meeting, or event; and

(2) the names of any entity or individuals who contributed money towards scholarship funds; when possible, the report must identify the entities or individuals who contributed to each recipient's scholarship."

Page 2, delete lines 3 and 4 and insert:

"Sec. 6. Minnesota Statutes 2010, section 10A.09, subdivision 5, is amended to read:

Subd. 5. **Form.** A statement of economic interest required by this section must be on a form prescribed by the board. The individual filing must provide the following information:

(1) name, address, occupation, and principal place of business;

(2) the name of each associated business and the nature of that association;

(3) a listing of all real property within the state, excluding homestead property, in which the individual holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the interest is valued in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value of \$50,000 or more;

(4) a listing of all real property within the state in which a partnership of which the individual is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the individual's share of the partnership interest is valued in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value of \$50,000 or more. A listing under clause (3) or (4) must indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county in which the property is located; ~~and~~

(5) a listing of any investments, ownership, or interests in property connected with pari-mutuel horse racing in the United States and Canada, including a racehorse, in which the individual directly or indirectly holds a partial or full interest or an immediate family member holds a partial or full interest; and

(6) a listing of all scholarship funds received, or paid on the individual's behalf, the amount of each scholarship, the granting entity, and the conference, meeting, or event for which the scholarship funds were granted.

**Sec. 7. EFFECTIVE DATE.**

Sections 1 to 6 are effective for reports due March 15, 2013, and thereafter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Limmer questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Dibble 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 34 and nays 31, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk	Cohen	Dziedzic	Goodwin	Hayden
Bonoff	Dibble	Eaton	Harrington	Higgins

Kelash	McGuire	Rest	Sparks	Wiger
Langseth	Metzen	Saxhaug	Stumpf	
Latz	Nienow	Sheran	Thompson	
Lourey	Pappas	Sieben	Tomassoni	
Marty	Reinert	Skoe	Torres Ray	

So the decision of the President was sustained.

S.F. No. 2334 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1911:** A bill for an act relating to natural resources; enacting the Freedom to Hunt and Fish Act of 2012; requiring the availability of game and fish licenses by electronic transaction; appropriating money; amending Minnesota Statutes 2010, section 84.027, subdivision 15.

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 41 and nays 24, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk	Dibble	Goodwin	Higgins	Latz
Bonoff	Dziedzic	Harrington	Kelash	Lourey
Cohen	Eaton	Hayden	Langseth	Marty

McGuire  
Pappas

Reinert  
Rest

Sheran  
Sieben

Stumpf  
Tomassoni

Torres Ray

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1140:** A bill for an act relating to public safety; clarifying placement of certain motor vehicle license plates; amending Minnesota Statutes 2010, section 169.79, subdivision 6.

Senator Tomassoni moved to amend S.F. No. 1140 as follows:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2011 Supplement, section 168.12, subdivision 2b, is amended to read:

Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue special plates, or a single license plate in the case of a motorcycle plate, to any applicant who:

(1) is a member of a fire department receiving state aid under chapter 69, has a letter from the fire chief, and is an owner of a passenger automobile as defined in section 168.002, subdivision 24, a one-ton pickup truck as defined in section 168.002, subdivision 21b, or a motorcycle as defined in section 168.002, subdivision 19;

(2) pays a fee of \$10 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter for the motor vehicle; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner.

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred, the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, or special motorcycle plate, ~~either~~ the owner or purchaser of the motor vehicle shall obtain regular plates ~~or~~, a regular motorcycle plate, or special plates for the proper registration classification for the motor vehicle.

(d) A special motorcycle license plate issued under this subdivision must be the same size as a standard motorcycle license plate.

(e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger automobile or truck may be transferred to another passenger automobile or truck owned or jointly owned by

the person to whom the plates were issued. On payment of a fee of \$5, a plate issued under this subdivision for a motorcycle may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued.

(f) The commissioner may adopt rules under the Administrative Procedure Act, sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized in this subdivision.

Sec. 2. Minnesota Statutes 2010, section 168.12, is amended by adding a subdivision to read:

Subd. 2g. **Retired firefighters; special plates.** (a) The commissioner shall issue special retired firefighters plates to an applicant who:

(1) is a retired member of a fire department defined in section 299N.01, subdivision 2, has a letter from the fire chief and administrative officer of the local government unit affirming that the applicant is a retired firefighter who served ten or more years and separated in good standing, and is a registered owner of a passenger automobile, a one-ton pickup truck, a recreational vehicle, or a motorcycle;

(2) pays a fee of \$10 for each set of license plates applied for along with any other fees required by this chapter; and

(3) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The commissioner shall design the special plate emblem so that it is distinguishable from the emblem on firefighter special plates issued under subdivision 2b.

(c) On payment of a transfer fee of \$5, plates issued under this subdivision may be transferred to another passenger automobile, one-ton pickup truck, recreational vehicle, or motorcycle registered to the individual to whom the special plates were issued.

(d) Fees collected under this subdivision must be credited to the vehicle services operating account in the special revenue fund.

(e) This subdivision is exempt from section 168.1293."

Page 1, after line 11, insert:

"Sec. 4. **EFFECTIVE DATE.**

Sections 1 and 2 are effective January 1, 2013."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1140 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 55 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk	Kelash	Reinert	Sheran	Sparks
Eaton	Limmer	Saxhaug	Skoe	

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

### SPECIAL ORDER

**S.F. No. 1543:** A bill for an act relating to human services; providing medical assistance coverage for community paramedic services; amending Minnesota Statutes 2010, section 256B.0625, by adding a subdivision.

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:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1948:** A bill for an act relating to human services; modifying nursing facility rate equalization; amending Minnesota Statutes 2010, section 256B.48, subdivision 1.

Senator Goodwin moved to amend S.F. No. 1948 as follows:

Page 2, after line 26, insert:



"(4) Nursing facilities charging private paying residents more than the allowable medical assistance payment rate allowed in clause (2), must use the revenue from the rate increase only for the wages and benefits of staff providing direct care to residents. These wage and benefits increases must not supplant any wage and benefits increases scheduled, agreed to or provided for without the allowable rate increase."

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Goodwin moved to amend S.F. No. 1948 as follows:

Page 1, delete lines 20 to 24

Page 2, delete lines 1 and 2

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

S.F. No. 1948 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 38 and nays 26, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1835:** A bill for an act relating to human services; modifying residency requirements; amending Minnesota Statutes 2010, sections 256D.02, by adding a subdivision; 256J.12, subdivisions 1a, 2; repealing Minnesota Statutes 2010, sections 256D.02, subdivision 12a; 256J.12, subdivision 2a.

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 35 and nays 28, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 2173:** A bill for an act relating to health; authorizing automated drug distribution systems; proposing coding for new law in Minnesota Statutes, chapter 151.

Senator Saxhaug moved to amend S.F. No. 2173 as follows:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2010, section 151.01, is amended by adding a subdivision to read:

Subd. 2a. **Limited service pharmacy.** "Limited service pharmacy" means a pharmacy that has been issued a restricted license by the board to perform a limited range of the activities that constitute the practice of pharmacy.

Sec. 2. Minnesota Statutes 2010, section 151.01, is amended by adding a subdivision to read:

Subd. 34. **Health professional shortage area.** "Health professional shortage area" means an area designated as such by the federal Secretary of Health and Human Services, as provided under Code of Federal Regulations, title 42, part 5, and United States Code, title 42, section 254E.

Sec. 3. Minnesota Statutes 2011 Supplement, section 151.19, is amended by adding a subdivision to read:

Subd. 4. **Licensing of physicians to dispense drugs; renewals.** (a) The board may grant a license to any physician licensed under chapter 147 authorizing the physician to dispense drugs to individuals for whom pharmaceutical care is not reasonably available. The license may be renewed annually. Any physician licensed under this subdivision shall be limited to dispensing drugs in a limited services pharmacy and shall be governed by the rules adopted by the board when dispensing drugs.

(b) For the purposes of this subdivision, pharmaceutical care is not reasonably available if the pharmacy in which the physician is dispensing drugs is located in a health professional shortage area.

(c) For the purposes of this subdivision, section 151.15, subdivision 2, shall not apply, and section 151.215 shall not apply provided that a physician granted a license under this subdivision certifies each filled prescription in accordance with Minnesota Rules, part 6800.3100, subpart 3.

(d) Notwithstanding section 151.102, a physician granted a license under this subdivision may be assisted by a pharmacy technician if the technician holds a valid certification from the Pharmacy Technician Certification Board or from another national certification body for pharmacy technicians that requires passage of a nationally recognized psychometrically valid certification examination for certification as determined by the board. The physician may supervise the pharmacy technician as long as the physician assumes responsibility for all functions performed by the technician. For purposes of this subdivision, supervision does not require the physician to be physically present if the physician or a licensed pharmacist is available, either electronically or by telephone.

(e) Nothing in this subdivision shall be construed to prohibit a physician from dispensing drugs pursuant to section 151.37 and Minnesota Rules, parts 6800.9950 to 6800.9954."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2173 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

Tomassoni

Torres Ray

Vandever

Wiger

Wolf

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

### SPECIAL ORDER

**S.F. No. 2014:** A bill for an act relating to metropolitan government; providing for staggered, four-year terms for members of the Metropolitan Council; providing for removal of members under certain conditions; amending Minnesota Statutes 2010, section 473.123, subdivision 2a.

Senator Dibble moved to amend S.F. No. 2014 as follows:

Delete everything after the enacting clause and insert:

"Section 1. **TASK FORCE ON METROPOLITAN GOVERNANCE.**

Subdivision 1. **Established.** A task force on metropolitan governance is established to study and make recommendations to the legislature on metropolitan governance.

Subd. 2. **Membership.** The task force consists of a chair, appointed as provided in subdivision 3, and 17 members, appointed as follows:

(1) four persons with interest and experience in urban and regional government, appointed one each by the speaker of the house of representatives, the house minority leader, the senate Subcommittee on Committees of the senate Committee on Rules and Administration, and the senate minority leader;

(2) two persons representing cities in the metropolitan area, appointed by the Association of Metropolitan Municipalities;

(3) two persons representing counties in the metropolitan area, appointed by the Association of Minnesota Counties;

(4) one person appointed by the mayor of the city of Minneapolis, and one person appointed by the mayor of the city of Saint Paul;

(5) one person representing townships in the metropolitan area, appointed by the Minnesota Association of Townships;

(6) one person representing labor, appointed by the Minnesota AFL-CIO;

(7) one person representing private business, appointed by the Itasca Group;

(8) two persons representing nonprofit and nongovernmental organizations, appointed by the Minnesota Environmental Partnership; and

(9) two persons representing suburban mayors in the metropolitan area, appointed by the Regional Council of Mayors.

Subd. 3. **Chair, other officers.** The chair of the County Transportation Improvement Board shall serve as chair of the task force. The task force may elect from among its members a vice-chair and any other officers that the task force determines would be necessary or convenient.

Subd. 4. **Duties.** The task force shall study and evaluate models of metropolitan governance to address regional planning, financing, construction or acquisition, and operation of infrastructure and services, including but not limited to transportation, water and wastewater, parks, trails, recreation facilities, and open space. Among the models the task force must study is a hybrid council-of-governments model.

Subd. 5. **State, metropolitan agencies must cooperate; subcommittees.** The Metropolitan Council and state and metropolitan agencies shall cooperate with the task force and provide information requested in a timely fashion. The task force may establish subcommittees and invite other stakeholders to participate in the task force's study and development of recommendations.

Subd. 6. **No compensation or expenses; grants.** Members of the task force shall receive no compensation or per diem for participation on the task force. The task force may accept grant funds from any federal, state, local, or nongovernmental source to support its work and offset any costs imposed on the Metropolitan Council, provided accepting the money does not create a conflict of interest for the task force or its members. The Metropolitan Council may administer any grant money given to the task force.

Subd. 7. **Administrative support, staff.** The Metropolitan Council must provide meeting space, administrative support, and staff support for the task force. The task force may hold meetings in any publicly accessible location in the metropolitan area.

Subd. 8. **Meetings.** The task force is encouraged to invite public observation and input into its study and deliberations. The task force must provide as much notice as practicable of its meetings, with the assistance of Metropolitan Council staff, and hold the meetings in public in locations that are publicly accessible. Chapter 13D does not apply to meetings of the task force but the task force must, to the extent practicable, act in compliance with the spirit and intent of chapter 13D.

Subd. 9. **Report.** The task force shall report its findings and recommendations to the chairs and ranking minority members of the legislative committees with responsibility for or jurisdiction over the Metropolitan Council and metropolitan agencies. The report is due by February 1, 2013.

**EFFECTIVE DATE, EXPIRATION; APPLICATION.** This section is effective the day following final enactment and expires June 30, 2013. Subdivisions 5, 6, and 7 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title accordingly

Senator Kruse questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Dibble 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 39 and nays 27, as follows:

Those who voted in the affirmative were:

Bakk	Carlson	Daley	Gazelka	Hall
Benson	Chamberlain	DeKruif	Gerlach	Hann
Brown	Dahms	Fischbach	Gimse	Hoffman

Howe	Lillie	Nelson	Parry	Senjem
Ingebrigtsen	Limmer	Newman	Pederson	Thompson
Jungbauer	Magnus	Nienow	Robling	Vandever
Koch	Michel	Olson	Rosen	Wolf
Kruse	Miller	Ortman	Saxhaug	

Those who voted in the negative were:

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

So the decision of the President was sustained.

S.F. No. 2014 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 42 and nays 24, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Cohen	Harrington	Lourey	Reinert	Sparks
Dibble	Hayden	Marty	Saxhaug	Stumpf
Dziedzic	Higgins	McGuire	Sheran	Tomassoni
Eaton	Kelash	Metzen	Sieben	Torres Ray
Goodwin	Langseth	Pappas	Skoe	

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 Orders of Business of Messages From the House, Reports of Committees and Introduction and First Reading of Senate Bills.

### MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2083:

**H.F. No. 2083:** A bill for an act relating to education; providing funding and modifying certain early, adult, and kindergarten through grade 12 education provisions, including general education, education excellence, special programs, facilities and technology, nutrition and accounting, libraries, and prevention; providing education forecast adjustments; appropriating money; amending Minnesota Statutes 2010, sections 122A.40, subdivisions 10, 11, 13, 19; 122A.41, subdivisions 14, 15; 123A.75, subdivision 1; 123B.41, by adding a subdivision; 123B.42; 123B.43; 124D.111, subdivision 3; 124D.518, subdivision 3, by adding a subdivision; 124D.531, by adding a subdivision; 126C.10, subdivision 28; Minnesota Statutes 2011 Supplement, sections 122A.245, subdivision 1; 122A.41, subdivision 6; 123B.41, subdivision 2; 124D.11, subdivision 9; 127A.33; 127A.45, subdivision 2; Laws 2011, First Special Session chapter 11, article 1, section 36, subdivisions 2, 3, 4, 5, 6, 7, 10; article 2, section 50, subdivisions 2, 3, 4, 5, 6, 7, 9; article 3, section 11, subdivisions 2, 3, 4, 5, 6; article 4, section 10, subdivisions 2, 3, 4, 6; article 5, section 12, subdivisions 2, 3, 4; article 6, section 2, subdivisions 2, 3, 5; article 7, section 2, subdivisions 2, 3, 4; article 8, section 2, subdivisions 2, 3; article 9, section 3, subdivision 2; repealing Minnesota Statutes 2010, sections 124D.135, subdivisions 8, 9; 124D.16, subdivisions 6, 7; 124D.20, subdivisions 11, 12.

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

Garofalo, Kelly, Loon, Woodard and Greiling have been appointed as such committee on the part of the House.

House File No. 2083 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 March 27, 2012

Senator Olson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2083, 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.

## REPORTS OF COMMITTEES

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

### **Senator Ortman from the Committee on Taxes, to which was re-referred**

**S.F. No. 2321:** A bill for an act relating to transportation; providing for alternatives for contracting and procurement, state aid, traffic regulations and reports, vehicles, vehicle titles, school buses, transit fares, and studies; providing penalties; appropriating money; amending Minnesota Statutes 2010, sections 13.72, by adding a subdivision; 116.06, subdivision 22; 161.14, by adding a subdivision; 161.321; 162.02, subdivisions 2, 3; 162.09, subdivisions 2, 3, 4; 162.13, subdivision 1; 162.155; 168.10, subdivision 1a; 168.27, subdivisions 2, 3, 3c; 168A.01, subdivisions 6a, 8a, 12a,



16, by adding a subdivision; 168A.04, subdivision 5; 168A.05, subdivision 3; 168A.09, by adding a subdivision; 168A.15, subdivision 2; 168A.151, subdivisions 1, 6; 169.06, subdivision 4; 169.09, subdivision 13; 169.222, subdivision 6; 169.4501, subdivisions 1, 2; 169.4503, subdivisions 5, 20, by adding subdivisions; 169.4582, subdivision 2; 169.79, subdivision 6; 169.86, by adding a subdivision; 169.865, subdivision 4; 169.98, subdivisions 1, 3; 174.03, by adding a subdivision; 299D.09; 325F.6641; 325F.6644, subdivisions 1, 2; Minnesota Statutes 2011 Supplement, sections 169.86, subdivision 5; 297B.03; Laws 2009, chapter 36, article 3, sections 28; 29; proposing coding for new law in Minnesota Statutes, chapters 161; 171; 174; repealing Minnesota Statutes 2010, sections 169.441, subdivision 5; 169.445, subdivision 2; 169.454, subdivision 10.

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

Page 3, line 12, delete "general standards and" and after "practices" insert "and general standards"

Page 3, line 13, after "rules" insert "and best practices"

Page 14, after line 26, insert:

"Sec. 16. Minnesota Statutes 2010, section 168.013, subdivision 3, is amended to read:

**Subd. 3. Application; cancellation; excessive gross weight forbidden.** (a) The applicant for all licenses based on gross weight shall state the unloaded weight of the motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry on it, the sum of which constitutes the gross weight upon which the license tax must be paid. However, the declared gross weight upon which the tax is paid must not be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.011, subdivision 83. The gross weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

(b) The gross weight of a motor vehicle, trailer, or semitrailer must not exceed the gross weight upon which the license tax has been paid by more than four percent or 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest products on a highway, other than a highway that is part of the system of interstate and defense highways, unless a federal exemption is granted, in accordance with paragraph (d)(3):

(1) shall not exceed its gross vehicle weight upon which the license tax has been paid, or gross axle weight on any axle, by more than five percent and, notwithstanding other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for exceeding a gross vehicle or axle weight by up to five percent; and

(2) between the dates set by the commissioner in accordance with section 169.826, subdivision 1, is not subject to any provision of paragraph (d) or chapter 169 limiting the gross axle weight of any individual axle unless the entire vehicle also exceeds its gross vehicle weight plus its weight allowance allowed in clause (1) and plus any weight allowance permitted under section 169.826, in which case the vehicle is subject to all applicable penalties for excess weight violations.

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid must be indicated by a distinctive character on the license plate or plates except as provided in

subdivision 12 and the plate or plates must be kept clean and clearly visible at all times.

(d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, is guilty of a misdemeanor and subject to increased registration or reregistration according to the following schedule:

(1) Upon conviction for transporting a gross weight in excess of the gross weight for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance set forth in paragraph (b) but less than 25 percent, or for operating or using a motor vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by more than the allowance set forth in paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle, trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for the misdemeanor, shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying. The increase is computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be paid into the highway fund, but the additional tax thus paid does not authorize or permit any person to operate the vehicle with a gross weight in excess of the maximum legal weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days after a conviction applies to increase the authorized weight and pays the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or semitrailer for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of registration on the vehicle operated and demand the return of the registration certificate and registration plates. The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous transportation of unprocessed or raw farm products from the place of production or on-farm storage site to any other location within ~~50~~ 100 miles of the place of production or on-farm storage site, or (ii) the continuous or

noncontinuous transportation of unfinished forest products from the place of production to the place of final processing or manufacture located within 200 miles of the place of production.

(4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the registrar according to this section, the vehicle must not be operated on the highways of the state until it is registered or reregistered, as the case may be, and new plates issued, and the registration fee is the annual tax for the total gross weight of the vehicle at the time of violation. The reregistration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 must be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state."

Page 17, line 3, reinstate the stricken language and delete the new language

Page 31, after line 25, insert:

"Sec. 45. Minnesota Statutes 2010, section 169.865, subdivision 1, is amended to read:

Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six or more axles to haul raw or unprocessed agricultural products, and farm supplies, and be operated with a gross vehicle weight of up to:

- (1) 90,000 pounds; and
- (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Notwithstanding subdivision 3, paragraph (a), clause (4), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

Sec. 46. Minnesota Statutes 2010, section 169.865, subdivision 2, is amended to read:

Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven or more axles to haul raw or unprocessed agricultural products, and farm supplies, and be operated with a gross vehicle weight of up to:

- (1) 97,000 pounds; and
- (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code of Federal Regulations, title 49, parts 40 and 382.

(c) The fee for a permit issued under this subdivision is \$500."

Page 32, after line 3, insert:

"Sec. 48. Minnesota Statutes 2010, section 169.872, subdivision 1a, is amended to read:

Subd. 1a. **Limit on civil penalties.** A civil penalty for excessive weight under section 169.871

may be imposed based on a record of a shipment under this section only if a state law enforcement officer or motor transportation representative: (1) has inspected and copied the record within 14 days of the date the shipment was received by the person keeping the record; and (2) has assessed the penalty within 90 days of the date the officer or representative inspected and copied the record."

Page 37, after line 3, insert:

"Sec. 54. Minnesota Statutes 2010, section 221.091, subdivision 2, is amended to read:

Subd. 2. **Small vehicle passenger service.** ~~(a)~~ A city that licenses and regulates small vehicle passenger service must do so by ordinance. The ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections. A city that has adopted an ordinance complying with this subdivision may enforce the registration requirement in section 221.021.

~~(b) A person who provides small vehicle passenger service to an individual for the purpose of obtaining nonemergency medical care and who receives reimbursement under section 256B.0625, subdivision 17, for providing the service, must comply with the rules of the commissioner adopted under section 174.30.~~

Sec. 55. Minnesota Statutes 2010, section 296A.07, subdivision 4, is amended to read:

Subd. 4. **Exemptions.** The provisions of subdivision 1 do not apply to gasoline or denatured ethanol purchased by:

(1) a transit system or transit provider receiving financial assistance or reimbursement under section 174.24, 256B.0625, subdivision 17, or 473.384;

(2) providers of transportation to recipients of medical assistance home and community-based services waivers enrolled in day programs, including adult day care, family adult day care, day treatment and habilitation, prevocational services, and structured day services;

(3) an ambulance service licensed under chapter 144E; or

(4) a motor vehicle used exclusively as a mobile medical unit for the provision of medical or dental services by a federally qualified health center, as defined under title 19 of the Social Security Act, as amended by Section 4161 of the Omnibus Budget Reconciliation Act of 1990; or

~~(3)~~ (5) a licensed distributor to be delivered to a terminal for use in blending.

**EFFECTIVE DATE.** Clause (2) is effective retroactively from January 1, 2012, and clause (4) is effective retroactively from January 1, 2011.

Sec. 56. Minnesota Statutes 2010, section 296A.08, subdivision 3, is amended to read:

Subd. 3. **Exemptions.** The provisions of subdivisions 1 and 2 do not apply to special fuel or alternative fuels purchased by:

(1) a transit system or transit provider receiving financial assistance or reimbursement under section 174.24, 256B.0625, subdivision 17, or 473.384;

(2) providers of transportation to recipients of medical assistance home and community-based services waivers enrolled in day programs, including adult day care, family adult day care, day

treatment and habilitation, prevocational services, and structured day services;

(3) an ambulance service licensed under chapter 144E; ~~or~~

(4) a motor vehicle used exclusively as a mobile medical unit for the provision of medical or dental services by a federally qualified health center, as defined under title 19 of the Social Security Act, as amended by Section 4161 of the Omnibus Budget Reconciliation Act of 1990; or

~~(3)~~ (5) a licensed distributor to be delivered to a terminal for use in blending.

**EFFECTIVE DATE.** Clause (2) is effective retroactively from January 1, 2012, and clause (4) is effective retroactively from January 1, 2011.

Sec. 57. Minnesota Statutes 2010, section 297A.68, subdivision 19, is amended to read:

Subd. 19. **Petroleum products.** The following petroleum products are exempt:

(1) products upon which a tax has been imposed and paid under chapter 296A, and for which no refund has been or will be allowed because the buyer used the fuel for nonhighway use;

(2) products that are used in the improvement of agricultural land by constructing, maintaining, and repairing drainage ditches, tile drainage systems, grass waterways, water impoundment, and other erosion control structures;

(3) products purchased by a transit system receiving financial assistance under section 174.24, 256B.0625, subdivision 17, or 473.384;

(4) products purchased by an ambulance service licensed under chapter 144E;

(5) products used in a passenger snowmobile, as defined in section 296A.01, subdivision 39, for off-highway business use as part of the operations of a resort as provided under section 296A.16, subdivision 2, clause (2); ~~or~~

(6) products purchased by a state or a political subdivision of a state for use in motor vehicles exempt from registration under section 168.012, subdivision 1, paragraph (b);

(7) products purchased by providers of transportation to recipients of medical assistance home and community-based services waivers enrolled in day programs, including adult day care, family adult day care, day treatment and habilitation, prevocational services, and structured day services;  
or

(8) products used in a motor vehicle used exclusively as a mobile medical unit for the provision of medical or dental services by a federally qualified health center, as defined under title 19 of the federal Social Security Act, as amended by Section 4161 of the Omnibus Budget Reconciliation Act of 1990.

**EFFECTIVE DATE.** Clause (7) is effective retroactively from January 1, 2012, and clause (8) is effective retroactively from January 1, 2011."

Page 39, line 1, delete "retroactively"

Page 39, line 2, after "made" insert "on and" and delete "December 31" and insert "July 1"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 4, before "transit" insert "overweight vehicles, fuel tax and motor vehicle sales tax exemptions,"

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.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

#### **Senator Gimse introduced—**

**S.F. No. 2571:** A bill for an act relating to transportation capital improvements; authorizing spending to acquire and better public land and buildings for trunk highway purposes; authorizing the sale and issuance of trunk highway bonds; appropriating money.

Referred to the Committee on Transportation.

### RECESS

Senator Senjem 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 Senjem 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. 2083: Senators Olson, Daley, Kruse, Pederson and Lillie.

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

### MEMBERS EXCUSED

Senator Koch was excused from the Session of today from 11:00 a.m. to 1:15 p.m. Senator Robling was excused from the Session of today from 1:00 to 1:45 p.m. Senator Thompson was excused from the Session of today from 1:40 to 1:55 p.m. Senator Benson was excused from the Session of today from 2:00 to 2:15 p.m.

**ADJOURNMENT**

Senator Senjem moved that the Senate do now adjourn until 11:00 a.m., Wednesday, March 28, 2012. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

