

## FIFTH DAY

St. Paul, Minnesota, Tuesday, January 22, 2013

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

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Sara E. Morse.

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

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

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

January 17, 2013

The Honorable Sandra L. Pappas  
President of the Senate

Dear Senator Pappas:

As the Senate Majority Leader, I hereby make the following appointments:

Pursuant to Minnesota Statutes 2012

299E.04: Advisory Committee on Capitol Area Security - Senator Rest to serve at the pleasure of the appointing authority.

3.303: Legislative Coordinating Commission - Senators Bakk, Pappas, Metzen and Eaton to serve at the pleasure of the appointing authority.

15A.082: Compensation Council - Senators Cohen and Rest to serve at the pleasure of the appointing authority.

Sincerely,  
Thomas M. Bakk  
Majority Leader  
State Senator, District 3

January 17, 2013

The Honorable Sandra L. Pappas  
President of the Senate

Dear Senator Pappas:

Pursuant to Rule 10.5 of the Rules of the Senate, we hereby make the following changes in the committee membership:

Committee on State and Local Government - delete Goodwin and add Wiklund.

Thank you for your attention to this matter.

Sincerely,  
Thomas M. Bakk, Chair  
Committee on Rules and Administration  
Senate District 3

David Hann  
Minority Leader  
Senate District 48

#### MESSAGES FROM THE HOUSE

Madam President:

I have the honor to inform the Senate that the House of Representatives invites and is ready to meet with the Senate in Joint Convention at 6:45 p.m., on Wednesday, February 6, 2013, to receive the message of the Honorable Mark Dayton, Governor of the State of Minnesota, said message to be delivered at 7:00 p.m.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted January 17, 2013

Senator Bakk moved that the Senate accept the invitation of the House of Representatives to meet in Joint Convention in the House Chamber at 6:45 p.m., Wednesday, February 6, 2013, to receive the message of the Honorable Mark Dayton, Governor of the State of Minnesota. The motion prevailed.

Madam President:

I have the honor to announce that the House has appointed a committee of five members of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber on Wednesday, February 6, 2013, said Joint Convention to be convened at 6:45 p.m., and said message of the Governor to be delivered at 7:00 p.m.

Sawatzky; Erickson, R.; Halverson; Nornes and Howe have been appointed as such committee on the part of the House.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted January 17, 2013

#### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

##### **Senators Westrom, Koenen and Stumpf introduced—**

**S.F. No. 62:** A bill for an act relating to education finance; facilitating the consolidation of the Cyrus and Morris school districts; authorizing the sale of bonds.

Referred to the Committee on Finance.

##### **Senators Westrom, Eken, Koenen and Ingebrigtsen introduced—**

**S.F. No. 63:** A bill for an act relating to taxation; sales and use; expanding the exemption for public safety radio communication systems; amending Minnesota Statutes 2012, section 297A.70, subdivision 8.

Referred to the Committee on Taxes.

##### **Senator Goodwin introduced—**

**S.F. No. 64:** A bill for an act relating to public safety; permitting violent felons to petition the Board of Pardons to have their ability to possess a firearm restored; amending Minnesota Statutes 2012, sections 242.31, subdivision 2a; 260B.245, subdivision 1; 609.165, subdivisions 1a, 1b; 609A.03, subdivision 5a; 609B.611; 624.713, subdivision 2; 638.02, subdivision 1, by adding subdivisions; 638.07; repealing Minnesota Statutes 2012, section 609.165, subdivision 1d.

Referred to the Committee on Judiciary.

**Senators Wiger and Kent introduced—**

**S.F. No. 65:** A bill for an act relating to capital improvements; appropriating money for a regional public safety training facility in the city of Maplewood; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Reinert introduced—**

**S.F. No. 66:** A bill for an act relating to liquor; authorizing shipments of malt liquor into Minnesota with certain conditions; amending Minnesota Statutes 2012, sections 297G.07, subdivision 1; 340A.417.

Referred to the Committee on Commerce.

**Senator Ingebrigtsen introduced—**

**S.F. No. 67:** A bill for an act relating to transportation; authorizing mini truck operation on local roads; eliminating special permits for mini truck operation; amending Minnesota Statutes 2012, sections 168.002, subdivision 24; 168A.05, by adding a subdivision; 169.045, subdivisions 1, 2, 3, 5, 6, 7, 8; Laws 2009, chapter 158, section 10, as amended; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 2012, section 169.045, subdivision 7a.

Referred to the Committee on Transportation and Public Safety.

**Senator Ingebrigtsen introduced—**

**S.F. No. 68:** A bill for an act relating to human services; providing a nursing facility operating payment rate increase for certain facilities in Otter Tail County; amending Minnesota Statutes 2012, section 256B.434, by adding a subdivision.

Referred to the Committee on Finance.

**Senator Ingebrigtsen introduced—**

**S.F. No. 69:** A bill for an act relating to public safety; authorizing certain retired peace officers to carry a pistol without a permit; requiring law enforcement agencies to issue identification to former officers who qualify to carry without a permit; amending Minnesota Statutes 2012, section 624.714, subdivision 13.

Referred to the Committee on Judiciary.

**Senator Rest introduced—**

**S.F. No. 70:** A bill for an act relating to mortgage foreclosure; requiring notice of rights of military service members; requiring the lender to provide a single point of contact; prohibiting a mortgage lender from beginning or continuing a foreclosure proceeding while considering a request by a borrower for a mortgage modification; requiring that the mortgage lender participate in and

pay for mediation if the borrower requests mediation; amending Minnesota Statutes 2012, sections 580.03; 580.041, subdivisions 1b, 2; proposing coding for new law in Minnesota Statutes, chapter 580.

Referred to the Committee on Commerce.

**Senator Champion introduced—**

**S.F. No. 71:** A bill for an act relating to elections; restoring the civil rights of an individual upon release from incarceration; requiring notice; amending Minnesota Statutes 2012, sections 201.014, subdivision 2, by adding a subdivision; 201.091, by adding a subdivision; 201.155; 203B.02, subdivision 1; 204C.08, subdivision 1d; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 243; 630; 631.

Referred to the Committee on Judiciary.

**Senator Champion introduced—**

**S.F. No. 72:** A bill for an act relating to arts and cultural heritage; appropriating money for a community theater grant program.

Referred to the Committee on Finance.

**Senator Champion introduced—**

**S.F. No. 73:** A bill for an act relating to civil rights; requiring notices of restoration of civil rights and of possible loss of civil rights; proposing coding for new law in Minnesota Statutes, chapters 201; 243; 630.

Referred to the Committee on Judiciary.

**Senator Champion introduced—**

**S.F. No. 74:** A bill for an act relating to arts and cultural heritage; appropriating money for community arts education.

Referred to the Committee on Finance.

**Senators Skoe and Rest introduced—**

**S.F. No. 75:** A bill for an act relating to taxation; sales and use; repealing June accelerated tax payment; amending Minnesota Statutes 2012, sections 289A.18, subdivision 4; 289A.20, subdivision 4; 297F.09, subdivisions 1, 2; 297F.25, subdivision 2; repealing Minnesota Statutes 2012, sections 289A.60, subdivision 15; 297F.09, subdivision 10; 297G.09, subdivision 9.

Referred to the Committee on Taxes.

**Senator Fischbach introduced—**

**S.F. No. 76:** A bill for an act relating to transportation; highways; designating a segment of marked Trunk Highway 23 as Officer Tom Decker Memorial Highway; amending Minnesota Statutes 2012, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation and Public Safety.

**Senators Dibble, Torres Ray, Dziedzic, Hayden and Champion introduced—**

**S.F. No. 77:** A bill for an act relating to education; updating board membership to conform with Laws 2006; authorizing the Minneapolis School Board to remove a member by a majority vote; amending Minnesota Statutes 2012, section 128D.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 128D; repealing Minnesota Statutes 2012, section 128D.14.

Referred to the Committee on Education.

**Senator Rest introduced—**

**S.F. No. 78:** A bill for an act relating to taxation; sales and use; providing an exemption for certain capital equipment purchases; amending Minnesota Statutes 2012, sections 297A.68, subdivision 5; 297A.75, subdivisions 1, 2, 3.

Referred to the Committee on Taxes.

**Senator Pederson, J. introduced—**

**S.F. No. 79:** A bill for an act relating to taxation; sales and use; local government; modifying local sales and use tax for St. Cloud area cities; amending Laws 2005, First Special Session chapter 3, article 5, section 37, subdivisions 2, 4.

Referred to the Committee on Taxes.

**Senator Pederson, J. introduced—**

**S.F. No. 80:** A bill for an act relating to capital investment; authorizing the sale and issuance of state bonds; appropriating money for expansion of the St. Cloud Civic Center.

Referred to the Committee on Finance.

**Senator Pederson, J. introduced—**

**S.F. No. 81:** A bill for an act relating to education finance; reinstating integration revenue; amending Laws 2011, First Special Session chapter 11, article 2, section 51.

Referred to the Committee on Finance.

**Senator Pederson, J. introduced—**

**S.F. No. 82:** A bill for an act relating to education finance; permitting a onetime fund transfer for Independent School District No. 742, St. Cloud.

Referred to the Committee on Finance.

**Senators Ingebrigtsen; Gazelka; Saxhaug; Pederson, J. and Westrom introduced–**

**S.F. No. 83:** A bill for an act relating to game and fish; allowing scopes on muzzleloaders; amending Minnesota Statutes 2012, section 97B.031, subdivision 5.

Referred to the Committee on Environment and Energy.

**Senator Newman introduced–**

**S.F. No. 84:** A bill for an act relating to probate; multiparty accounts; allowing agency designations in certain situations; amending Minnesota Statutes 2012, sections 524.6-201, by adding a subdivision; 524.6-203; 524.6-204; 524.6-211; 524.6-213, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 524.

Referred to the Committee on Judiciary.

**Senators Skoe, Stumpf and Johnson introduced–**

**S.F. No. 85:** A bill for an act relating to education; providing for computer-based adaptive assessments.

Referred to the Committee on Education.

**Senators Rest, Benson, Scalze, Wiger and Miller introduced–**

**S.F. No. 86:** A bill for an act relating to occupations and professions; making changes to the Board of Accountancy; proposing fee increases; making changes to licensing provisions; repealing obsolete provisions; amending Minnesota Statutes 2012, sections 326A.04, subdivisions 2, 3, 4, 5, 7; 326A.10; repealing Minnesota Statutes 2012, section 326A.03, subdivisions 2, 5, 8; Minnesota Rules, parts 1105.0600; 1105.2550; 1105.2700.

Referred to the Committee on State and Local Government.

**Senators Skoe, Bakk, Saxhaug, Schmit and Koenen introduced–**

**S.F. No. 87:** A bill for an act relating to veterans; authorizing placement of a plaque in the court of honor on the Capitol grounds to honor American Indian veterans from this state.

Referred to the Committee on State and Local Government.

**Senators Pratt and Hoffman introduced–**

**S.F. No. 88:** A bill for an act relating to education finance; requiring a three-fifths vote to pass legislation reducing the school aid payment percentage below 90; amending Minnesota Statutes 2012, section 127A.45, subdivision 1.

Referred to the Committee on Finance.

**Senator Senjem introduced—**

**S.F. No. 89:** A bill for an act relating to economic development; establishing a business expansion low-interest loan program; appropriating money.

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

**Senator Senjem introduced—**

**S.F. No. 90:** A bill for an act relating to elections; modifying vacancy in nominations provisions; amending Minnesota Statutes 2012, section 204B.13, subdivision 1, by adding a subdivision.

Referred to the Committee on Rules and Administration.

**Senator Senjem introduced—**

**S.F. No. 91:** A bill for an act relating to transportation; highways; requiring periodic review of property owned or controlled by the department for the purpose of determining surplus; requiring a report; amending Minnesota Statutes 2012, section 161.41, subdivision 1, by adding a subdivision.

Referred to the Committee on Transportation and Public Safety.

**Senators Eaton, Dziejic and Dibble introduced—**

**S.F. No. 92:** A bill for an act relating to public utilities; revising process and standard for approval of interim rates; amending Minnesota Statutes 2012, section 216B.16, subdivision 3.

Referred to the Committee on Environment and Energy.

**MOTIONS AND RESOLUTIONS**

Senator Rest moved that the name of Senator Pederson, J. be added as a co-author to S.F. No. 8. The motion prevailed.

Senator Koenen moved that his name be stricken as a co-author to S.F. No. 21. The motion prevailed.

Senator Wiger moved that the name of Senator Koenen be added as a co-author to S.F. No. 22. The motion prevailed.

Senator Kiffmeyer moved that her name be stricken as a co-author to S.F. No. 32. The motion prevailed.

Senator Gazelka moved that the name of Senator Rest be added as a co-author to S.F. No. 32. The motion prevailed.

Senator Gazelka moved that the name of Senator Dahms be added as a co-author to S.F. No. 40. The motion prevailed.

Senator Reinert moved that the names of Senators Rest and Wiger be added as co-authors to S.F. No. 53. The motion prevailed.



Senator Chamberlain moved that the name of Senator Wiger be added as a co-author to S.F. No. 55. The motion prevailed.

Senator Scalze moved that the name of Senator Wiger be added as a co-author to S.F. No. 59. The motion prevailed.

Senator Scalze moved that the name of Senator Wiger be added as a co-author to S.F. No. 61. The motion prevailed.

Senator Saxhaug moved that S.F. No. 14 be withdrawn from the Committee on Capital Investment and re-referred to the Committee on Finance. The motion prevailed.

Senator Senjem moved that S.F. No. 20 be withdrawn from the Committee on Capital Investment and re-referred to the Committee on Finance. The motion prevailed.

Senator Anderson moved that S.F. No. 31 be withdrawn from the Committee on State and Local Government and re-referred to the Committee on Taxes. The motion prevailed.

Senator Gazelka moved that S.F. No. 32 be withdrawn from the Committee on State and Local Government and re-referred to the Committee on Taxes. The motion prevailed.

**Senators Bakk and Hann introduced –**

**Senate Resolution No. 29:** A Senate resolution relating to appointment of a committee to escort the Governor to the House Chamber for a Joint Convention.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The President of the Senate shall appoint a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Mark Dayton, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Wednesday, February 6, 2013, at 6:45 p.m.

Senator Bakk moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

**APPOINTMENTS**

Pursuant to the foregoing resolution, the President made the following appointments:

Senators Champion; Kent; Petersen, B.; Ruud and Wiklund.

**Senators Bakk and Hann introduced –**

**Senate Concurrent Resolution No. 4:** A Senate concurrent resolution adopting deadlines for the 2013 session.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

In accordance with Joint Rule 2.03, as modified by this resolution, the deadlines in this resolution apply to the 2013 regular session.

(1) The first deadline is Friday, March 15, 2013, at 11:59 p.m.

(2) The second deadline is Friday, March 22, 2013, at 11:59 p.m.

(3) The third deadline, Friday, April 19, 2013, at 11:59 p.m., is for the House Committee on Ways and Means and the Senate Committee on Finance to act favorably on major appropriation and finance bills.

Senator Bakk moved that Senate Concurrent Resolution No. 4 be now adopted. The motion prevailed. So the resolution was adopted.

Senator Bakk moved that Senate Resolution No. 22 be taken from the table. The motion prevailed.

**Senate Resolution No. 22:** A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

Senator Bakk moved to amend Senate Resolution No. 22 as follows:

Page 1, delete line 8 and insert:

"ANDERSON, Bruce D. ....98"

Page 1, delete line 26 and insert:

"GAZELKA, Paul E. ....312"

The motion prevailed. So the amendment was adopted.

Senator Bakk moved the adoption of Senate Resolution No. 22, as amended.

The question was taken on the adoption of the resolution, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution, as amended was adopted.

**MEMBERS EXCUSED**

Senators Nelson and Ruud were excused from the Session of today.

**ADJOURNMENT**

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Thursday, January 24, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

