EIGHTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 7, 2010

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Dennis J. Johnson.

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

Anderson Bakk Berglin Betzold Bonoff Carlson Chaudhary Clark Cohen Dahle Dibble Dille Doll

Erickson Ropes Fischbach Foley Frederickson Gerlach Gimse Hann Higgins Ingebrigtsen Johnson Jungbauer Kelash Koch Koering Kubly Langseth Latz Limmer Lourey Lynch Marty Metzen Murphy Olseen Olson, G. Olson, M. Ortman Pappas Pariseau Parry Pogemiller Prettner Solon Rest Robling Rosen Rummel Saltzman Saxhaug Scheid

Senjem Sheran Sieben Skoe Sparks Stumpf Tomassoni Torres Ray Vandeveer Vickerman Wiger

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.

February 16, 2010

The Honorable James P. Metzen President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

JOURNAL OF THE SENATE

[84TH DAY

OFFICE OF ADMINISTRATIVE HEARING CHIEF ADMINISTRATIVE LAW JUDGE

Raymond R. Krause, 1680 Lake Johanna Blvd., Arden Hills, in the county of Ramsey, effective July 1, 2010, for a term that expires on June 30, 2016.

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

Sincerely, Tim Pawlenty, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3157 and 3151.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 6, 2010

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 3157: A bill for an act relating to children; modifying parent notification of child maltreatment in a school facility; amending Minnesota Statutes 2008, section 626.556, subdivisions 7, 10d.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3087, now on General Orders.

H.F. No. 3151: A bill for an act relating to mortuary science; modifying provisions related to viewing, transporting, and removal of a dead human body; amending Minnesota Statutes 2008, sections 149A.01, subdivision 3; 149A.71, subdivision 2; 149A.72, subdivision 2; 149A.90, subdivisions 4, 6, 7; 149A.91, subdivisions 2, 3; 149A.93, subdivisions 6, 7; 149A.94, subdivision 1; Minnesota Statutes 2009 Supplement, section 149A.80, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2903, now on General Orders.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Langseth introduced-

S.F. No. 3336: A bill for an act relating to taxation; authorizing the city of Detroit Lakes to

9290

84TH DAY]

9291

impose food, beverage, and entertainment taxes.

Referred to the Committee on Taxes.

Senators Jungbauer and Clark introduced-

S.F. No. 3337: A bill for an act relating to taxation; authorizing the city of Ramsey to create a tax increment financing district subject to certain rules.

Referred to the Committee on Taxes.

Senators Tomassoni, Saxhaug, Prettner Solon and Bakk introduced-

S.F. No. 3338: A bill for an act relating to taxation; sales and use; authorizing the city of Biwabik to impose local taxes.

Referred to the Committee on Taxes.

Senators Erickson Ropes and Sparks introduced-

S.F. No. 3339: A bill for an act relating to taxation; modifying requirements for classification as class 4c property; amending Minnesota Statutes 2009 Supplement, section 273.13, subdivision 25.

Referred to the Committee on Taxes.

Senators Bakk and Saxhaug introduced-

S.F. No. 3340: A bill for an act relating to taxation; extending the application of the homestead resort classification; amending Minnesota Statutes 2008, section 273.13, subdivision 22.

Referred to the Committee on Taxes.

Senator Bakk introduced-

S.F. No. 3341: A bill for an act relating to taxation; authorizing the city of Ely to impose a sales and use tax.

Referred to the Committee on Taxes.

Senator Prettner Solon introduced-

S.F. No. 3342: A bill for an act relating to human services; providing grants to community health centers; providing additional subsidies for federally qualified health centers; appropriating money for long-term homeless supportive services and homeless shelters, other supportive services, and the temporary uncompensated care pool.

Referred to the Committee on Finance.

9292

Senators Fischbach, Gimse, Rosen, Parry and Ingebrigtsen introduced-

S.F. No. 3343: A bill for an act relating to taxation; job opportunity building zones; allowing amendments to agreements under certain circumstances; amending Minnesota Statutes 2008, section 469.3192.

Referred to the Committee on Taxes.

Senator Fischbach introduced-

S.F. No. 3344: A bill for an act relating to Public Facilities Authority; requiring the authority to forgive a loan.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Rest moved that the names of Senators Doll and Rummel be added as co-authors to S.F. No. 2511. The motion prevailed.

Senator Dibble moved that his name be stricken as a co-author to S.F. No. 2676. The motion prevailed.

Senator Tomassoni moved that the name of Senator Lynch be added as a co-author to S.F. No. 2676. The motion prevailed.

Senator Moua moved that the names of Senators Scheid and Torres Ray be added as co-authors to S.F. No. 2790. The motion prevailed.

Senators Latz, Rest, Bonoff, Michel and Hann introduced -

Senate Resolution No. 169: A Senate resolution congratulating the Hopkins High School boys basketball team on winning the 2010 State High School Class 4A boys basketball championship.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

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

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

S.F. Nos. 2653 and 364, which the committee recommends to pass.

H.F. No. 2634, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass H.F. No. 2634.

The roll was called, and there were yeas 38 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Langseth	Pappas	Skoe
Bakk	Dibble	Latz	Pogemiller	Skogen
Betzold	Doll	Lourey	Prettner Solon	Stumpf
Bonoff	Erickson Ropes	Marty	Rummel	Tomassoni
Carlson	Foley	Metzen	Saxhaug	Torres Ray
Chaudhary	Frederickson	Murphy	Scheid	Wiger
Clark	Higgins	Olseen	Sheran	C
Cohen	Kelash	Olson, M.	Sieben	

Those who voted in the negative were:

Fischbach	Johnson	Limmer	Robling	Vickerman
Gerlach	Jungbauer	Lynch	Rosen	
Gimse	Koch	Ortman	Senjem	
Hann	Koering	Pariseau	Sparks	
Ingebrigtsen	Kubly	Parry	Vandeveer	

The motion prevailed. So H.F. No. 2634 was recommended to pass.

H.F. No. 3263, which the committee recommends to pass, subject to the following motions:

RECONSIDERATION

Having voted on the prevailing side, Senator Jungbauer moved that the vote whereby the Jungbauer amendment to H.F. No. 3263 was adopted on April 6, 2010, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Jungbauer withdrew his amendment.

Senator Tomassoni moved to amend H.F. No. 3263, as amended pursuant to Rule 45, adopted by the Senate March 25, 2010, as follows:

(The text of the amended House File is identical to S.F. No. 3106.)

Page 2, after line 14, insert,

"Sec. 2. Minnesota Statutes 2008, 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, a truck with a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, or a motorcycle;

(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 Θr_{2} 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. 3. Minnesota Statutes 2008, 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 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 pickup truck, 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 so that it is distinguishable from the 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 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."

84TH DAY]

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Vandeveer moved to amend H.F. No. 3263, as amended pursuant to Rule 45, adopted by the Senate March 25, 2010, as follows:

(The text of the amended House File is identical to S.F. No. 3106.)

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2008, section 168.12, subdivision 2a, is amended to read:

Subd. 2a. **Personalized plates; rules.** (a) The commissioner may issue personalized plates or, if requested for special plates issued under section 168.123 for veterans, 168.124 for medal of honor recipients, or 168.125 for former prisoners of war, applicable personalized special veterans plates, to an applicant who:

(1) is an owner of a passenger automobile including a passenger automobile registered as a classic car, pioneer car, collector car, or street rod; any truck with a manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a motorcycle, including a classic motorcycle; a motorized bicycle; a commuter van as defined in section 168.126; or a recreational vehicle;

(2) pays a onetime fee of \$100 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 registration of motor vehicles and licensing of drivers.

(b) The commissioner shall charge a replacement fee for personalized license plates and personalized special veterans plates issued under section 168.123 as specified in subdivision 5. This fee must be paid by the applicant whenever the personalized plates are required to be replaced by law, except that as provided in section 168.124, subdivision 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under those sections.

(c) In lieu of the registration number assigned as provided in subdivision 1, personalized plates and personalized special veterans plates must have imprinted on them a series of not more than seven numbers and letters, or five numbers and letters for personalized special veterans plates, in any combination and, as applicable, satisfy the design requirements of section 168.123, 168.124, or 168.125. When an applicant has once obtained personalized plates or personalized special veterans plates, the applicant shall have a prior claim for similar personalized plates or personalized special veterans plates in the next succeeding year as long as current motor vehicle registration is maintained.

(d) The commissioner shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized plates and personalized special veterans plates. No words or combination of letters placed on these plates may be used for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a nature that would offend public morals or decency. The call signals or letters of a radio or television station are not commercial advertising for the purposes of this subdivision.

(e) Despite the provisions of subdivision 1, personalized plates and personalized special veterans plates issued under this subdivision may be transferred to another motor vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

(f) The commissioner may by rule specify the format for notification.

(g) A personalized plate or personalized special veterans plate issued for a classic car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred to a vehicle not eligible for such a plate.

(h) Despite any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and must be issued duplicate license plates bearing the same combination of letters and numbers and the same design as (1) the former personalized plates or personalized special veterans plates under section 168.123 upon the payment of the fee required by section 168.29 or (2) the former personalized special veterans plates issued under section 168.124 or 168.125, without charge.

(i) A personalized vertical motorcycle plate may be issued upon payment of an additional payment of \$100. The vertical plate must have not more than four identification characters, cannot be a duplication of any current or reserved license plate, and must meet the requirements in paragraph (d).

Sec. 2. Minnesota Statutes 2009 Supplement, section 168.12, subdivision 5, is amended to read:

Subd. 5. Additional fee. (a) In addition to any fee otherwise authorized or any tax otherwise imposed upon any vehicle, the payment of which is required as a condition to the issuance of any plate or plates, the commissioner shall impose the fee specified in paragraph (b) that is calculated to cover the cost of manufacturing and issuing the plate or plates, except for plates issued to disabled veterans as defined in section 168.031 and plates issued pursuant to section 168.124, 168.125, or 168.27, subdivisions 16 and 17, for passenger automobiles. The commissioner shall issue graphic design plates only for vehicles registered pursuant to section 168.017 and recreational vehicles registered pursuant to section 168.013, subdivision 1g.

(b) Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the original, duplicate, or replacement issuance of a plate in a plate year:

License Plate		Single]	Double
Regular and Disability	\$	4.50	\$	6.00
Special	\$	8.50	\$	10.00
Personalized (Replacement)	\$	10.00	\$	14.00
Collector Category	\$	13.50	\$	15.00
Emergency Vehicle Display	\$	3.00	\$	6.00
Utility Trailer Self-Adhesive	\$	2.50		
Vertical Motorcycle Plate	<u>\$</u>	100.00		
Stickers				
Duplicate year	\$	1.00	\$	1.00

9296

84TH DAY]

International Fuel Tax Agreement

\$ 2.50

(c) For vehicles that require two of the categories above, the registrar shall only charge the higher of the two fees and not a combined total."

Page 2, after line 14, insert:

"Sec. 4. Minnesota Statutes 2008, section 169.79, subdivision 3, is amended to read:

Subd. 3. **Rear display of single plate.** If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer registered at greater than 3,000 pounds gross vehicle weight (GVW), semitrailer, or vehicle displaying a dealer plate, then one license plate must be displayed horizontally or vertically, for a motorcycle issued vertical license plates under section 168.12, subdivision 2a, with the identifying numbers and letters facing outward from the vehicle and must be mounted in the upright position on the rear of the vehicle."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

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

MEMBERS EXCUSED

Senators Fobbe, Michel and Moua were excused from the Session of today. Senator Gerlach was excused from the Session of today from 11:00 to 11:20 a.m. Senator Anderson was excused from the Session of today from 11:00 to 11:25 a.m. Senator Berglin was excused from the Session of today at 11:20 a.m. Senator Saltzman was excused from the Session of today at 11:30 a.m. Senator Dille was excused from the Session of today at 11:50 a.m. Senator Saxhaug was excused from the Session of today at 12:00 noon.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, April 8, 2010. The motion prevailed.

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

9298