

TWENTY-THIRD DAY

St. Paul, Minnesota, Thursday, March 7, 2013

The Senate met at 11:00 a.m. 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. Dennis Morreim.

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

CERTIFICATION

March 6, 2013

To the Governor
State of Minnesota

To the Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Wednesday, March 6, 2013, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold office for the term specified for each to begin upon election by the Joint Convention:

Peggy Lucas, Fifth Congressional District, Six Years

Abdul Omari, Student At-Large, Six Years

Linda Cohen, At-Large, Six Years

Dean Johnson, At-Large, Six Years

Sandra L. Pappas
President of the Senate

Paul Thissen
Speaker of the House of Representatives

REPORTS OF COMMITTEES

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

Senator Metzen from the Committee on Commerce, to which was referred

S.F. No. 382: A bill for an act relating to commerce; regulating bullion coin dealers; requiring registration; prohibiting certain conduct; providing enforcement authority and criminal penalties; proposing coding for new law as Minnesota Statutes, chapter 80G.

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

Delete everything after the enacting clause and insert:

"Section 1. **[80G.01] DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of this chapter, the following terms have the meanings given to them in this section.

Subd. 2. **Bullion coin.** "Bullion coin" means any coin containing more than one percent by weight of silver, gold, platinum, or other precious metal.

Subd. 3. **Bullion coin dealer.** (a) Subject to the exceptions in paragraph (b), a "bullion coin dealer" means any person who buys, sells, solicits, or markets bullion coins or investments in bullion coins to consumers and is either incorporated, registered, domiciled, or otherwise located in this state, or who does business with a consumer domiciled, residing, or otherwise located in this state.

(b) A "bullion coin dealer" does not include any of the following persons:

(1) a person who engages only in wholesale bullion coin transactions with bullion coin dealers who sell at retail and are properly registered under this chapter;

(2) a person who engages only in transactions at occasional garage or yard sales held at the seller's residence, farm auctions held at the seller's residence, or estate sales held at the decedent's residence;

(3) a person who is properly registered pursuant to chapter 80A, or the federal Securities Exchange Act of 1934 and rules promulgated thereunder as a securities broker dealer or broker dealer agent; or

(4) an auctioneer who auctions coins at auction on behalf of an owner, if the auctioneer does not take title or ownership of the coins.

Subd. 4. **Coin dealer representative.** "Coin dealer representative" means any natural person acting as an employee, contractor, or agent of a bullion coin dealer and who has interactions with consumers in connection with the buying, selling, solicitation, or marketing of bullion coins or investments in bullion coins.

Subd. 5. **Commissioner.** "Commissioner" means the commissioner of commerce.

Subd. 6. **Owner.** "Owner" means any person who has an ownership interest in a bullion coin dealer, regardless of whether directly or indirectly, of more than one percent.

Subd. 7. **Person.** "Person" has the same meaning given in section 325F.68, subdivision 3.

Subd. 8. **Precious metal content.** "Precious metal content" means the quantity, measured in grams, of gold, silver, platinum, or other precious metal in a coin and the percentage that the precious metal constitutes of the total weight of the coin.

Sec. 2. **[80G.02] REGISTRATION.**

Subdivision 1. **Registration required.** Beginning July 1, 2014, it shall be unlawful for a bullion coin dealer or coin dealer representative to solicit, market, buy, sell, or deliver bullion coins or investments in bullion coins to a consumer without being registered by the commissioner as provided for in this chapter, if the bullion coin dealer has engaged in a bullion coin transaction or transactions with consumers during the 12-month period prior to July 1, 2014, that exceed \$5,000 in the aggregate, as determined by the transactions' sale prices. If a bullion coin dealer was not required to be registered beginning on July 1, 2014, the bullion coin dealer must submit an application to register itself and each of its coin dealer representatives within 30 days of reaching \$5,000 in the aggregate of bullion coin transactions with consumers in any 12-month period prior to July 1 of any calendar year, as determined by the transactions' sale prices. Once a bullion coin dealer is required to register itself and its coin dealer representatives, the coin dealer must thereafter renew its registration and the registration of each of its coin dealer representatives in accordance with this chapter, regardless of the aggregate amount of transactions, unless the person ceases to be a bullion coin dealer. A coin dealer representative may not buy, sell, solicit, or market bullion coins or investments in bullion coins on behalf of a bullion coin dealer unless the dealer is properly registered with the commissioner under this section.

Subd. 2. **Registration obligations.** If a bullion coin dealer must register itself and each of its coin dealer representatives with the commissioner, the bullion coin dealer shall certify in its application and the application for each of its coin dealer representatives that the bullion coin dealer and its coin dealer representatives satisfy the requirements of sections 80G.03 to 80G.07 of this chapter.

Registrations issued or renewed by the commissioner under this chapter shall expire on June 30 and must be renewed.

Subd. 3. **Registration application and renewal.** The application and renewal forms shall include the following information, as applicable, which shall be considered by the commissioner in determining whether to issue a registration and whether to thereafter renew the registration:

(1) the name, assumed names, doing business as names, including caller identification names, and business addresses of the bullion coin dealer, the name of each owner and officer, and the name and primary work location of each coin dealer representative. A bullion coin dealer who desires to carry on business in more than one location shall identify each address where business is conducted;

(2) if a bullion coin dealer is doing business under any name other than the dealer's legal name, documentation that the assumed name has been properly filed with the secretary of state;

(3) the telephone numbers, including cellular phone numbers, electronic mail addresses, and Web site domain names used or intended to be used by the bullion coin dealer and its coin dealer representatives to buy, sell, solicit, market, or deliver to consumers bullion coin or investments in bullion coin;

(4) the disclosure of all criminal convictions by any court within the last ten years for the bullion coin dealer and each officer and owner of the bullion coin dealer and for each of its coin dealer representatives;

(5) the certification that the bullion coin dealer, its officers and owners, and its coin dealer representatives have not engaged in any conduct prohibited by this chapter since its effective date, or in any conduct prohibited by sections 45.027; 325D.43 to 325D.48; 325F.67; 325F.68 to 325F.69; 325F.694; and 325F.73 to 325F.744;

(6) the disclosure of any civil judgments or government agency orders, including but not limited to, conciliation court or equivalent judgments against the bullion coin dealer, its officers and owners, or its coin dealer representatives for violation of consumer protection laws or unfair trade practice laws or for failure to account to a customer for money or property received from the consumer;

(7) the disclosure of any settlement or other agreement with any person or any government entity resolving allegations by the person or government entity that the bullion coin dealer, its officers and owners, or its coin dealer representatives violated consumer protection or unfair trade practice laws, or for failure to account to a consumer for money or property received from the consumer; and

(8) the certification that the bullion coin dealer, its officers and owners, and its coin dealer representatives were not at any time permanently or temporarily prohibited by any court of competent jurisdiction or ordered to cease and desist as the result of a government agency action from engaging in buying, selling, soliciting, or marketing of bullion coin or investments in bullion coin.

Subd. 4. **Notice of change in registration information.** A bullion coin dealer must provide the commissioner written notice of a change in the dealer's name, assumed names, doing business as names, business addresses, including all business addresses at which it or its coin dealer representatives conduct business, ownership, electronic mail addresses, Web site domain names, or telephone numbers used by it or its coin dealer representatives to buy, sell, solicit, or market to consumers bullion coin or investments in bullion coin no later than ten days after the change occurs.

Subd. 5. **Registration fee.** (a) The fee for each registration under this chapter shall be as follows:

(1) bullion coin dealers: \$25; and

(2) coin dealer representatives: \$10.

(b) The commissioner, based on the cost of processing registrations, may adjust the registration fee on an annual basis as needed.

Sec. 3. [80G.03] REGISTRATION DENIAL, NONRENEWAL, REVOCATION AND SUSPENSION.

Subdivision 1. **Authority.** The commissioner may, by order, suspend, revoke, or refuse to issue or renew a bullion coin dealer or coin dealer representative registration for any one or more of the following causes:

(1) providing incorrect, false, misleading, or incomplete information to the commissioner or refusing to allow a reasonable inspection of information and documents in the possession of the bullion coin dealer, coin dealer representative, or a third party or to allow a reasonable inspection of premises;

(2) obtaining or attempting to obtain a registration through misrepresentation or fraud;

(3) having a bullion coin dealer or coin dealer representative registration or its equivalent, including licensure under section 325F.73, denied, suspended, or revoked, or having been the subject of a fine or any other discipline in any locality within the state or other state, province, district, or territory;

(4) being permanently or temporarily enjoined by any court of competent jurisdiction or being ordered to cease and desist by a government agency from engaging in or continuing any conduct or practice involving the buying, selling, soliciting, or marketing of bullion coins, investments in bullion coins, or precious metal to consumers;

(5) violating any federal, state, or local law or rule related to selling, purchasing, solicitation, or marketing of bullion coin, investments in bullion coin, or precious metal;

(6) violating the provisions of this chapter or of sections 45.027; 325D.43 to 325D.48; 325F.67; 325F.68 to 325F.69; 325F.694; and 325F.73 to 325F.744, or federal or state taxation or labor law; or

(7) violating a subpoena or order of the commissioner or a court issued pursuant to this chapter or sections 45.027; 325D.43 to 325D.48; 325F.67; 325F.68 to 325F.69; 325F.694; 325F.70; and 325F.73 to 325F.744.

Subd. 2. **Bullion coin dealer responsibility for actions of coin dealer representatives.** The commissioner may take action against a bullion coin dealer for any violations of this chapter by its coin dealer representatives. The commissioner may also take action against the coin dealer representative.

Subd. 3. **Other authority of the commissioner.** If a registration lapses, is surrendered, withdrawn, terminated, or otherwise becomes ineffective, the commissioner may institute a proceeding under this subdivision within two years after the registration was last effective and enter a revocation order as of the last date on which the registration was in effect, and impose a civil penalty as provided for in section 45.027, subdivision 6.

Subd. 4. **Effect of revocation.** A revocation of a registration prohibits the bullion coin dealer or coin dealer representatives from making a new application for a registration for at least two years from the effective date of the revocation.

Sec. 4. **[80G.04] CRIMINAL CONVICTIONS AND FALSE CERTIFICATIONS.**

Subdivision 1. **Registration precluded.** The commissioner must deny an application for registration or renewal of a coin dealer representative or a bullion coin dealer, or revoke such registration if the coin dealer representative, the bullion coin dealer, or its owners or officers have:

(1) within the last ten years been convicted in any court of any financial crime or other crime involving fraud, theft, dishonesty, or moral turpitude;

(2) been unable to truthfully certify that they have no civil judgments or government agency orders, including but not limited to, conciliation court or equivalent judgments against them for violation of consumer protection or unfair trade practices laws or failure to account to a customer for money or property received from the customer; or

(3) been unable to truthfully certify that they have not entered into a settlement or other agreement with any person or with any government entity resolving concerns by the person or government entity that they had violated consumer protection or unfair trade practices laws.

Sec. 5. **[80G.05] SCREENING.**

Subdivision 1. **Screening process required.** Each bullion coin dealer must establish procedures to screen each of its owners and officers and each of its coin dealer representatives prior to submitting the application to the commissioner for initial registration and at each renewal. The results of such screenings shall be provided to the commissioner as part of the initial registration and all renewal registrations if requested by the commissioner.

Subd. 2. **Initial screening.** The screening process for initial registration must be done no more than 60 days before the submission of an application for registration. The process must include a national criminal history record search, a judgment search, and a county criminal history search for all counties where the owner, officer, or coin dealer representative has resided within the immediately preceding ten years. Each bullion coin dealer shall use a vendor that is a member of the National Association of Professional Background Screeners, or an equivalent vendor, to conduct the background screening process on its owners, officers, and coin dealer representatives.

Subd. 3. **Renewal screening.** The screening process for the renewal of a registration must include a national criminal history record search, a judgment search, and county criminal history search for all counties where the owner, officer, or coin dealer representative has resided since satisfactorily completing the last screening process conducted pursuant to this section. Screening for renewal of the owner, officer, and coin dealer representative registrations must take place no more than 60 days before the submission of an application for renewal of a registration.

Sec. 6. **[80G.06] SURETY BOND.**

Subdivision 1. **Surety bond requirement.** Every bullion coin dealer shall maintain a current, valid surety bond issued by a surety company admitted to do business in Minnesota in an amount based on the transactions (purchases from and sales to consumers at retail) during the 12-month period prior to registration, or renewal, whichever is applicable.

The amount of the surety bond shall be as specified in the table below:

<u>Transaction Amount in Preceding 12-month Period</u>	<u>Surety Bond Required</u>
<u>\$0 to \$200,000</u>	<u>\$25,000</u>
<u>\$200,000.01 to \$500,000</u>	<u>\$50,000</u>
<u>\$500,000.01 to \$1,000,000</u>	<u>\$100,000</u>
<u>\$1,000,000.01 to \$2,000,000</u>	<u>\$150,000</u>
<u>Over \$2,000,000</u>	<u>\$200,000</u>

Subd. 2. **Action on bond permitted.** A consumer injured in money or property by a bullion coin dealer's or coin dealer representative's failure to provide bullion coins that the consumer has paid for or failure to remit money or goods owed to the consumer in connection with the consumer's sale of bullion coins may file a claim with the surety and if the claim is not paid, is authorized to bring an action based on the bond and recover against the surety. The commissioner or attorney general may also file a claim and bring an action on the bond and recover against the surety on behalf of a consumer so injured.

Sec. 7. **[80G.07] PROHIBITED CONDUCT.**

Subdivision 1. **Sales practices.** No bullion coin dealer or coin dealer representative shall:

(1) prior to a transaction regarding bullion coins, fail to provide to the consumer in writing, in a clear and conspicuous manner, the sale or purchase price and the precious metal content of the bullion coins involved in the transaction. The written notice shall also include the bullion coin dealer's registration identification information issued by the commissioner, and the Department of Commerce's e-mail address and telephone number. A copy of the written notice shall be provided to the consumer and a copy retained by the bullion coin dealer;

(2) fail to deliver bullion coins to a consumer within the time agreed upon with the consumer or, if no such agreement exists, within 30 days after the consumer has paid for the coins;

(3) fail to pay a consumer for purchased bullion coins within the time agreed upon with the consumer or, if no such agreement exists, within 30 days after the consumer has provided the coins;

(4) fail to provide a written invoice at the time of the transaction specifically identifying and describing the bullion coins involved in the transaction, the quantity of bullion coins involved in the transaction, and the bullion coins' sale or purchase price and precious metal content. The written invoice shall include the bullion coin dealer registration identification information issued by the commissioner, and the Department of Commerce's e-mail address and telephone number. A copy of the transaction documentation shall be provided to the consumer and a copy retained by the bullion coin dealer;

(5) misrepresent the value of the bullion coins, the delivery date of bullion coins or payment for bullion coins, or the dealer or representative's professional qualifications, affiliations, or registration;

(6) misrepresent the manner in which any bullion coins a consumer provides will be stored or otherwise handled once received;

(7) renegotiate the terms of a sale or purchase after receiving a consumer's payment or bullion coins without first obtaining the consumer's agreement to renegotiate and offering the consumer the option to have the payment fully refunded or the entirety of the bullion coins returned;

(8) fail to respond within three business days to a consumer inquiry about the delivery status of bullion coins that the consumer has paid for but not yet received or the status of a payment for bullion coins that the consumer has already provided;

(9) telephone or solicit a consumer, or sell or provide the consumer's name to any other bullion coin dealer or coin dealer representative, after the consumer requests not to be contacted;

(10) violate a subpoena or order of the commissioner or a court;

(11) make any communication to a potential buyer or seller of bullion coins that gives the impression that the bullion coin dealer or coin dealer representative is acting on behalf of a government agency;

(12) improperly withhold, misappropriate, or convert any money or properties received in the course of buying, selling, soliciting, or marketing bullion coins or investments in bullion coins to consumers;

(13) misrepresent the terms of an actual or proposed purchase or sale of bullion coins or investment in bullion coins to a consumer; or

(14) violate any other federal, state, or local law or rule related to selling, purchasing, soliciting, or marketing of bullion coin, investments in bullion coin, or precious metals, or any federal, state, or local law related to fraudulent, coercive, or dishonest practices, or federal, state, or local law related to taxation or labor standards.

Subd. 2. **Application.** From August 1, 2013, to June 30, 2014, section 80G.07 shall apply to any bullion coin dealer and its coin dealer representatives if the bullion coin dealer is engaged in a bullion coin transaction or transactions with consumers which exceed \$5,000 in the aggregate, as determined by the transaction sale prices, during the 12-month period prior to August 1, 2013. On or after July 1, 2014, section 80G.07 shall apply to any bullion coin dealer and its coin dealer representatives which is or should be registered in accordance with the provisions of this chapter.

Sec. 8. [80G.08] CONSUMER FRAUD.

A violation of this chapter is a violation of section 325F.69, subdivision 1. The provisions of section 8.31 apply to this chapter.

Sec. 9. [80G.09] CRIMINAL VIOLATION.

A person who conducts business as a bullion coin dealer or as a coin dealer representative without having first registered with the commissioner, or who carries on such business after the revocation, suspension, or expiration of a registration, or who violates section 80G.07, subdivision 1, clauses (2) or (3), is guilty of a misdemeanor.

Sec. 10. [80G.10] OTHER ACTION; LOCAL AUTHORITY.

Nothing in this chapter precludes an action under chapter 80A or preempts local government authority under section 325F.742.

Sec. 11. **[80G.11] INVESTIGATIONS AND ENFORCEMENT.**

In addition to authority granted under this chapter, the commissioner has all the authority provided under section 45.027 to ensure compliance with this chapter, including, but not limited to, the authority to issue an order to deny, suspend, or revoke the registration of any bullion coin dealer or coin dealer representative, or impose civil penalties for any violation of this chapter, section 45.027, or any other Minnesota law.

Sec. 12. **EFFECTIVE DATE.**

This act shall be effective August 1, 2013."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Metzen from the Committee on Commerce, to which was referred

S.F. No. 247: A bill for an act relating to commerce; preventing fraud; requiring a money transmitter to notify the sender when someone tries to receive wired funds at a location other than the location specified by the sender; amending Minnesota Statutes 2012, section 53B.27, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision to read:

Subd. 3. **No transmit list.** (a) The commissioner shall create and maintain an electronic list of individuals for whom money transmitters may not make money transmissions. The commissioner may contract with a third-party vendor to create and maintain the list. The electronic list must allow for money transmitters to match names on the "No Transmit List" with the names of individuals seeking to utilize the money transmitter's services to make money transmissions.

(b) The "No Transmit List" shall be populated in the following ways:

(1) an individual may request that the commissioner put his or her name on the "No Transmit List;"

(2) persons with the legal authority to act on behalf of an individual may request that the commissioner put the individual's name on the "No Transmit List;"

(3) money transmitters shall request that the commissioner put the names of individuals on the "No Transmit List" that the money transmitter, their employees, their authorized delegates, or their authorized delegates' employees have detected are victims of a scheme to defraud and the names of individuals they have detected are participants in a scheme to defraud individuals residing in Minnesota; and

(4) money transmitters shall request that the commissioner put the names of individuals on the "No Transmit List" who have made a request directly to the money transmitter to be prohibited from making or receiving money transmissions.

(c) An individual on the "No Transmit List" shall remain on the list for a minimum of one year. After the expiration of one year, the individual may at any time request that his or her name be removed from the "No Transmit List," otherwise the name will remain on the list. An individual whose name was put on the "No Transmit List" by a person authorized to act on an individual's behalf shall remain on the list for a minimum of one year. After the expiration of one year, the person authorized to act on the individual's behalf may at any time request that the commissioner remove the individual's name from the "No Transmit List," otherwise the name will remain on the list.

(d) An individual who requests that his or her name be put on the "No Transmit List" may indicate at the time of his or her request that his or her name shall not be removed from the "No Transmit List" unless both the individual and at least one of two designated individuals requests the individual's name be removed from the list.

(e) The commissioner shall create request forms and establish procedures for submission of requests under this subdivision. The commissioner's forms and procedures shall include necessary requirements for verifying the identity and authority of individuals submitting requests. All requests must be submitted to the commissioner on the forms created by the commissioner and in accordance with the procedures established by the commissioner.

(f) A name of an individual on the "No Transmit List" may be provided to the individual or a person authorized to act on the individual's behalf and shall be provided to a money transmitter through a matching process for the purpose of determining whether it may initiate a money transmission.

Sec. 2. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision to read:

Subd. 4. **Suspicious activity report.** Each time a money transmitter requests that the commissioner put the name of an individual on the "No Transmit List" pursuant to subdivision 3, paragraph (b), clause (3), the money transmitter shall also submit a suspicious activity report pursuant to the federal Bank Secrecy Act.

Sec. 3. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision to read:

Subd. 5. **High incidence of schemes to defraud.** The commissioner, after consulting with licensed money transmitters, may establish a maximum transaction amount for money transmissions to countries associated with high incidence of schemes to defraud.

Sec. 4. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision to read:

Subd. 6. **Notification of attempted receipt of money transfer at unexpected location.** Upon request of a sender of a money transmission, a money transmitter shall promptly notify the sender if the money transmitter receives notice that a person has attempted to receive the transfer in a state or country other than the state or country specified by the sender. The money transmitter shall not authorize receipt of the transfer at any location not specified in writing by the sender at the time of the transmission unless the money transmitter has received authorization from the sender.

Sec. 5. Minnesota Statutes 2012, section 53B.27, is amended by adding a subdivision to read:

Subd. 7. **Verification of name and location of receipt of money transfer.** Upon request of a sender or the authorized delegate of a money transmission, a money transmitter shall provide

the sender verification of the location where the transfer was received and the name of the person receiving the transfer.

Sec. 6. **EFFECTIVE DATE.**

This act is effective January 1, 2014, and applies to money transfers initiated on or after that date."

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Rest, Cohen, Wiger and Bakk introduced—

S.F. No. 1107: A bill for an act relating to education finance; modifying integration revenue; amending Minnesota Statutes 2012, section 124D.86; Laws 2011, First Special Session chapter 11, article 2, section 51; repealing Minnesota Statutes 2012, section 124D.86, subdivision 6.

Referred to the Committee on Education.

Senators Wiklund and Thompson introduced—

S.F. No. 1108: A bill for an act relating to evidence; limiting availability of certain evidence arising from a collaborative law process; amending Minnesota Statutes 2012, section 595.02, subdivision 1.

Referred to the Committee on Judiciary.

Senators Dahle, Reinert and Cohen introduced—

S.F. No. 1109: A bill for an act relating to insurance; requiring refund of premiums paid on life insurance policies in certain circumstances; authorizing the judicial declaration of the validity of a policy in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 61A.

Referred to the Committee on Commerce.

Senator Koenen introduced—

S.F. No. 1110: A bill for an act relating to capital investment; appropriating money for Willmar transit facilities; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Dzedzic introduced—

S.F. No. 1111: A bill for an act relating to local government; giving Hennepin County the same authority as Minneapolis to negotiate agreements relating to skilled trade and craft workers and apprentices; amending Laws 1988, chapter 471, sections 1, subdivisions 1, as amended, 4, as amended; 2, as amended.

Referred to the Committee on State and Local Government.

Senators Johnson, Metzen, Pappas and Petersen, B. introduced—

S.F. No. 1112: A bill for an act relating to the State Lottery; establishing electronic lottery terminals; proposing coding for new law in Minnesota Statutes, chapter 349A.

Referred to the Committee on State and Local Government.

Senators Hayden, Eaton, Eken, Lourey and Hoffman introduced—

S.F. No. 1113: A bill for an act relating to human services; modifying nursing facility level of care to prevent seniors currently enrolled in the elderly waiver program from losing coverage; amending Minnesota Statutes 2012, section 144.0724, subdivision 11.

Referred to the Committee on Health, Human Services and Housing.

Senator Sheran introduced—

S.F. No. 1114: A bill for an act relating to capital investment; appropriating money for the Minnesota River State Trail; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Sieben, Rosen, Dibble, Nelson and Reinert introduced—

S.F. No. 1115: A bill for an act relating to taxation; income and corporate franchise; adding a subtraction; amending Minnesota Statutes 2012, section 290.01, subdivisions 19b, 19d.

Referred to the Committee on Taxes.

Senator Dahms introduced—

S.F. No. 1116: A bill for an act relating to the city of Marshall; further defining use of tax revenues; providing for local approval of certain laws and validating certain actions of the city; amending Laws 2010, chapter 389, article 5, section 6, subdivisions 4, 6.

Referred to the Committee on Taxes.

Senator Marty introduced—

S.F. No. 1117: A bill for an act relating to human services; creating the Minnesota Families and Children Assistance Program Act; modifying the MFIP and child care assistance programs; providing directions to commissioner; instructing the revisor to change certain terminology;

appropriating money; amending Minnesota Statutes 2012, sections 16A.152, subdivision 2; 119B.05, subdivision 1; 256J.08, by adding a subdivision; 256J.24, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 256J; repealing Minnesota Statutes 2012, section 256J.24, subdivision 6.

Referred to the Committee on Health, Human Services and Housing.

Senators Clausen, Sheran, Nienow, Rosen and Torres Ray introduced—

S.F. No. 1118: A bill for an act relating to education; qualifying certain homeless children for early educational services; requiring a report; amending Minnesota Statutes 2012, sections 125A.02, subdivision 1a; 125A.30.

Referred to the Committee on Education.

Senator Sparks introduced—

S.F. No. 1119: A bill for an act relating to the military; clarifying that an employee may choose when to use paid military leave; amending Minnesota Statutes 2012, section 192.26.

Referred to the Committee on State and Local Government.

Senators Tomassoni, Metzen, Sparks and Senjem introduced—

S.F. No. 1120: A bill for an act relating to lawful gambling; modifying definitions and making other technical, clarifying, and conforming changes related to electronic games; amending Minnesota Statutes 2012, sections 349.12, subdivisions 12a, 12b, 12d, 18; 349.13; 349.151, subdivision 4d; 349.17, subdivision 9; 349.1721, subdivision 4; 349.2127, subdivision 7.

Referred to the Committee on State and Local Government.

Senators Dibble and Champion introduced—

S.F. No. 1121: A bill for an act relating to energy; defining terms in the energy improvements program for local governments; amending Minnesota Statutes 2012, sections 216C.435, subdivision 8, by adding a subdivision; 216C.436, subdivision 2; 429.101, subdivision 2.

Referred to the Committee on Environment and Energy.

Senators Rest, Chamberlain and Sparks introduced—

S.F. No. 1122: A bill for an act relating to economic development; science and technology; creating a technology transfer corporate tax exemption for certain licensing agreements; amending Minnesota Statutes 2012, section 290.01, subdivision 19d; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Taxes.

Senator Reinert introduced—

S.F. No. 1123: A bill for an act relating to elections; modifying primary elections for partisan offices; requiring the top two vote getters in partisan primary races to be placed on the general election ballot; amending Minnesota Statutes 2012, sections 200.02, subdivisions 7, 23; 204B.03; 204B.07, subdivision 4; 204C.13, subdivision 3; 204C.21, subdivision 3; 204C.32, subdivision 1; 204D.03, subdivisions 1, 3; 204D.05, subdivisions 1, 3; 204D.07, subdivisions 1, 3; 204D.08, subdivision 4; 204D.09, subdivision 2; 204D.10, subdivision 1; 204D.20, subdivisions 1, 2; 205.17, subdivision 3; 206.61, subdivision 4; repealing Minnesota Statutes 2012, sections 204B.04, subdivisions 2, 3; 204D.07, subdivision 2; 204D.08, subdivision 5; 204D.13, subdivision 3.

Referred to the Committee on Rules and Administration.

Senator Reinert introduced—

S.F. No. 1124: A bill for an act relating to the military; appropriating money for a grant to support activities related to the commissioning of the USS Minnesota.

Referred to the Committee on Finance.

Senator Newman introduced—

S.F. No. 1125: A bill for an act relating to public safety; requiring the state fire marshal to make the fire code available to the general public; amending Minnesota Statutes 2012, section 326B.02, subdivision 6.

Referred to the Committee on Judiciary.

Senators Stumpf, Nienow, Nelson and Bonoff introduced—

S.F. No. 1126: A bill for an act relating to education; providing for improved career and college readiness; aligning high school graduation exams with college readiness; appropriating money; amending Minnesota Statutes 2012, sections 120B.30, subdivisions 1, 1a, by adding a subdivision; 120B.35, subdivision 3; 124D.09, subdivision 13; 124D.091, by adding a subdivision.

Referred to the Committee on Education.

Senators Dahle, Rosen and Eken introduced—

S.F. No. 1127: A bill for an act relating to human services; providing a nursing facility rate increase for health information technology costs; providing a grant to elderly waiver providers for health information technology costs; appropriating money; amending Minnesota Statutes 2012, section 256B.441, by adding a subdivision.

Referred to the Committee on Finance.

Senators Schmit, Eken and Sparks introduced—

S.F. No. 1128: A bill for an act relating to telecommunications; broadband; establishing the Office of Broadband Development in the Department of Employment and Economic Development

and assigning it duties; requiring the Department of Transportation to post a database on its Web site; requiring reports; amending Minnesota Statutes 2012, section 237.012, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 116J; 161; 237.

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

Senator Champion introduced—

S.F. No. 1129: A bill for an act relating to public contracts; authorizing the state, Minnesota State Colleges and Universities, the University of Minnesota, and cities to adopt a program requiring certain hiring practices in construction and services contracts; amending Minnesota Statutes 2012, section 136F.581, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16C; 137; 471.

Referred to the Committee on State and Local Government.

Senator Torres Ray introduced—

S.F. No. 1130: A bill for an act relating to education finance; clarifying that a school district may lease a facility to a charter school; amending Minnesota Statutes 2012, section 124D.10, subdivision 23a.

Referred to the Committee on Finance.

Senators Metzen, Bakk, Reinert, Thompson and Gazelka introduced—

S.F. No. 1131: A bill for an act relating to commerce; prohibiting criminalization and restriction on sale of motor fuel; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce.

Senators Carlson, Metzen, Dahle, Nienow and Rosen introduced—

S.F. No. 1132: A bill for an act relating to no-fault auto insurance; regulating certain unethical practices by health care providers; regulating independent medical examinations; modifying the criminal provision against a person employing, using, or acting as a capper, runner, or steerer; amending Minnesota Statutes 2012, sections 65B.54, subdivision 6; 609.612; proposing coding for new law in Minnesota Statutes, chapter 65B.

Referred to the Committee on Commerce.

Senators Ruud and Gazelka introduced—

S.F. No. 1133: A bill for an act relating to transportation; amending regulations governing school bus use for special events; amending Minnesota Statutes 2012, sections 169.011, by adding a subdivision; 169.443, subdivision 3; 221.132; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation and Public Safety.

Senators Osmek, Thompson, Hann, Brown and Senjem introduced—

S.F. No. 1134: A bill for an act relating to local governments; providing for reverse referendum approval of certain issuance of debt; proposing coding for new law in Minnesota Statutes, chapter 416.

Referred to the Committee on State and Local Government.

Senator Dibble introduced—

S.F. No. 1135: A bill for an act relating to energy; providing for state energy conservation policies; amending Minnesota Statutes 2012, sections 216B.2401; 216C.05.

Referred to the Committee on Environment and Energy.

Senator Schmit introduced—

S.F. No. 1136: A bill for an act relating to public safety; clarifying the application of the criminal and traffic surcharge to offenders who enter diversion programs; amending Minnesota Statutes 2012, section 357.021, subdivision 6.

Referred to the Committee on Judiciary.

Senators Kiffmeyer, Reinert, Tomassoni, Brown and Limmer introduced—

S.F. No. 1137: A bill for an act relating to public safety; imposing a mandatory minimum sentence on prisoners who commit assaults in jails and workhouses; amending Minnesota Statutes 2012, section 609.2231, subdivision 3.

Referred to the Committee on Judiciary.

Senator Tomassoni introduced—

S.F. No. 1138: A bill for an act relating to motor vehicles; prohibiting use of driver feedback and safety-monitoring equipment in certain vehicles; amending Minnesota Statutes 2012, section 169.71, subdivision 1.

Referred to the Committee on Transportation and Public Safety.

Senators Carlson, Dibble, Senjem and Pappas introduced—

S.F. No. 1139: A bill for an act relating to transportation; railroads; clarifying the commissioner's passenger rail duties; providing contract authority; amending Minnesota Statutes 2012, sections 174.632; 174.636.

Referred to the Committee on Transportation and Public Safety.

Senators Ruud and Chamberlain introduced—

S.F. No. 1140: A bill for an act relating to education; aligning high school graduation exams with college readiness; amending Minnesota Statutes 2012, section 120B.30, subdivisions 1, 1a.

Referred to the Committee on Education.

Senators Schmit and Stumpf introduced—

S.F. No. 1141: A bill for an act relating to public finance; providing an alternative general system to issue state and local debt obligations; enacting the "Minnesota All-Government Bond Act"; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 16F.

Referred to the Committee on Finance.

Senators Stumpf, Hoffman and Torres Ray introduced—

S.F. No. 1142: A bill for an act relating to education finance; modifying and repealing certain education funding provisions; establishing a general education levy; eliminating existing general education levies; rolling the alternative compensation programs out of general education; appropriating money; amending Minnesota Statutes 2012, sections 122A.415, by adding subdivisions; 126C.10, subdivisions 1, 13a, 13b, 29, 30, 32, 33, 34, 35, 36; 126C.13, subdivision 4, by adding subdivisions; repealing Minnesota Statutes 2012, section 126C.10, subdivisions 13a, 13b, 29, 30, 32, 33, 34, 35, 36.

Referred to the Committee on Finance.

Senators Dzedzic and Latz introduced—

S.F. No. 1143: A bill for an act relating to data practices; modifying certain provisions related to disclosure of personnel data; amending Minnesota Statutes 2012, section 13.43, subdivision 2.

Referred to the Committee on Judiciary.

Senator Brown introduced—

S.F. No. 1144: A bill for an act relating to capital investment; appropriating money for a grant to the city of Isle for sewer infrastructure; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Brown introduced—

S.F. No. 1145: A bill for an act relating to capital investment; appropriating money for a grant to the city of Isle for water and sewer infrastructure; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Hawj, Torres Ray, Tomassoni, Hayden and Ruud introduced—

S.F. No. 1146: A bill for an act relating to economic development; appropriating money for a grant to the Neighborhood Development Center.

Referred to the Committee on Finance.

Senator Fischbach introduced—

S.F. No. 1147: A bill for an act relating to capital improvements; appropriating money for Rocori Trail construction; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Tomassoni and Saxhaug introduced—

S.F. No. 1148: A bill for an act relating to taxation; modifying the division and distribution of minerals taxes to school districts; amending Minnesota Statutes 2012, section 298.28, subdivision 4.

Referred to the Committee on Taxes.

Senator Marty introduced—

S.F. No. 1149: A bill for an act relating to environment; modifying and creating permitting efficiencies; modifying duties of Pollution Control Agency; requiring rulemaking; appropriating money; amending Minnesota Statutes 2012, sections 84.027, subdivision 14a, by adding a subdivision; 115.03, subdivision 1; 116.03, subdivision 2b; 116.07, subdivision 4d; 116J.035, subdivision 8.

Referred to the Committee on Environment and Energy.

Senators Reinert and Bakk introduced—

S.F. No. 1150: A bill for an act relating to capital investment; appropriating money for design of renovation of Wade Stadium in Duluth; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Skoe introduced—

S.F. No. 1151: A bill for an act relating to state lands; clarifying the use of certain payments to counties for consolidated conservation lands; amending Minnesota Statutes 2012, section 84A.51, subdivision 4.

Referred to the Committee on Environment and Energy.

Senators Pederson, J.; Pappas and Chamberlain introduced—

S.F. No. 1152: A bill for an act relating to local government; providing for alternative Web site publication; amending Minnesota Statutes 2012, section 331A.12.

Referred to the Committee on State and Local Government.

Senator Dibble introduced—

S.F. No. 1153: A bill for an act relating to agriculture; providing for the development and regulation of an industrial hemp industry; authorizing rulemaking; providing a defense for

possession and cultivation of industrial hemp; modifying the definition of marijuana; amending Minnesota Statutes 2012, sections 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 18J.09; 18J.11, subdivision 1, by adding a subdivision; 152.01, subdivision 9; 375.30, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 18K.

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

Senators Saxhaug, Chamberlain and Dzedzic introduced—

S.F. No. 1154: A bill for an act relating to state government finance; modifying provisions of the state auditor for costs and fees; requiring determination of IT costs for certain projects; establishing the e-government advisory council; changing the audit responsibility for job opportunity building zones to the legislative auditor; changing campaign finance provisions and establishing fees; changing provisions that refer to school trust lands director; authorizing "Support Our Veterans" license plates; changing provisions related to veterans; making department of revenue changes; establishing an automobile theft prevention surcharge; making conforming changes; appropriating money; amending Minnesota Statutes 2012, sections 6.48; 6.56, subdivision 2; 10A.01, subdivision 26; 10A.02, subdivision 15; 15A.0815, subdivision 3; 16A.82; 16E.07, subdivision 6, by adding a subdivision; 65B.84, subdivision 1; 94.342, subdivision 5; 127A.30, subdivision 1; 127A.351; 127A.352, subdivisions 1, 2; 197.608, subdivisions 3, 4, 5, 6; 197.791, subdivisions 1, 4, 5; 270C.69, subdivision 1; 289A.20, subdivisions 2, 4; 289A.26, subdivision 2a; 295.55, subdivision 4; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 469.3201; 471.699; 473.843, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 6; 10A; 16; 168; 196; 297I; 349A; repealing Minnesota Statutes 2012, sections 6.58; 127A.352, subdivision 3; 127A.353; 168A.40, subdivisions 3, 4; 197.608, subdivision 2a; 270C.145.

Pursuant to Joint Rule 2.03, referred to the Committee on Rules and Administration.

Senator Franzen introduced—

S.F. No. 1155: A bill for an act relating to education; establishing a task force to review school district detachment and annexation.

Referred to the Committee on Education.

Senator Marty introduced—

S.F. No. 1156: A bill for an act relating to education; requiring school districts and charter schools to report electronically to the education commissioner on school lock-down drills; amending Minnesota Statutes 2012, section 121A.035, subdivision 1.

Referred to the Committee on Education.

Senators Koenen and Fischbach introduced—

S.F. No. 1157: A bill for an act relating to transportation; highways; making an appropriation for construction of segments of marked Trunk Highway 23 as a four-lane divided highway; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Lourey introduced—

S.F. No. 1158: A bill for an act relating to human services; modifying provisions related to continuing care; redesigning home and community-based services; modifying provisions related to nursing facility admission and maltreatment; establishing community first services and supports; requiring a study; amending Minnesota Statutes 2012, sections 144.0724, subdivision 4; 144A.351; 148E.065, subdivision 4a; 256.01, subdivisions 2, 24; 256.975, subdivision 7, by adding subdivisions; 256.9754, subdivision 5, by adding subdivisions; 256B.021, by adding subdivisions; 256B.0911, subdivisions 1, 1a, 3a, 4d, 7, by adding a subdivision; 256B.0913, subdivision 4, by adding a subdivision; 256B.0915, subdivisions 3a, 5, by adding a subdivision; 256B.0917, subdivisions 6, 13, by adding subdivisions; 256B.092, by adding a subdivision; 256B.439, subdivisions 1, 2, 3, 4, by adding a subdivision; 256B.49, subdivisions 12, 14, by adding a subdivision; 256I.05, by adding a subdivision; 626.557, subdivisions 4, 9, 9e; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 2012, sections 245A.655; 256B.0911, subdivisions 4a, 4b, 4c; 256B.0917, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14.

Referred to the Committee on Health, Human Services and Housing.

Senator Lourey introduced—

S.F. No. 1159: A bill for an act relating to human services; modifying provisions to promote the safe and healthy development of children; modifying provisions related to child care programs, human services licensing, background studies, foster care, and the Minnesota family investment program; establishing Northstar Care for Children; amending Minnesota Statutes 2012, sections 119B.011, by adding a subdivision; 119B.02, by adding a subdivision; 119B.025, subdivision 1; 119B.03, subdivision 4; 119B.05, subdivision 1; 119B.13, subdivisions 1, 1a, 6, by adding subdivisions; 245A.07, subdivision 2a; 245A.1435; 245A.144; 245A.1444; 245A.40, subdivision 5; 245A.50; 245C.08, subdivision 1; 245C.33, subdivision 1; 256.0112, by adding a subdivision; 256.82, subdivisions 2, 3; 256.98, subdivision 8; 256J.08, subdivision 24; 256J.21, subdivisions 2, 3; 256J.24, subdivisions 3, 7; 256J.621; 256J.626, subdivision 7; 257.85, subdivisions 2, 5, 6; 260C.446; proposing coding for new law in Minnesota Statutes, chapters 245A; 256J; 259A; 260C; proposing coding for new law as Minnesota Statutes, chapter 256N; repealing Minnesota Statutes 2012, sections 256.82, subdivision 4; 256J.24, subdivision 10; 260C.441; Minnesota Rules, parts 3400.0130, subpart 8; 9502.0355, subpart 4; 9560.0650, subparts 1, 3, 6; 9560.0651; 9560.0655.

Referred to the Committee on Health, Human Services and Housing.

Senators Sparks and Koenen introduced—

S.F. No. 1160: A bill for an act relating to agriculture; making policy, technical, conforming, and clarifying changes to provisions related to agricultural law; modifying provisions related to pesticide control, agricultural resource loan and ethanol development, the Rural Finance Authority, grain buyers, and other agriculture-related provisions; establishing the Minnesota agricultural water quality program; modifying noxious weed law; modifying definition of E85; authorizing rulemaking; amending Minnesota Statutes 2012, sections 17.118, subdivision 2; 18.77, subdivisions 3, 4, 10, 12; 18.78, subdivision 3; 18.79, subdivisions 6, 13; 18.82, subdivision 1; 18.91, subdivisions 1, 2; 18B.01, by adding a subdivision; 18B.065, subdivision 2a; 18B.07, subdivisions 4, 5, 7; 18B.26, subdivision 3; 18B.316, subdivisions 1, 3, 4, 8, 9; 18B.37, subdivision 4; 31.94; 41A.105, subdivision 5; 41A.12, by adding a subdivision; 41B.04, subdivision 9; 223.17, by adding a subdivision; 232.22, by adding a subdivision; 296A.01, subdivision 19; proposing coding for new law in Minnesota Statutes, chapters 17; 18; repealing Minnesota Statutes 2012, sections 18.91, subdivisions 3, 5; 18B.07, subdivision 6; Minnesota Rules, parts 1505.0751, subparts 7, 8; 1510.0011, subparts 1, 4; 1510.0020; 1510.0030; 1510.0040; 1510.0050; 1510.0060; 1510.0070; 1510.0080; 1510.0090; 1510.0100; 1510.0111; 1510.0161; 1510.0171; 1510.0180; 1510.0200; 1510.0210; 1510.0220; 1510.0231; 1510.0241; 1510.0261; 1510.0340; 1510.0350; 1510.0360.

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

Senator Lourey introduced—

S.F. No. 1161: A bill for an act relating to human services; modifying chemical and mental health provisions; modifying provisions related to funding mental health services; providing for coverage of family psychoeducation services and clinical care consultations in the medical assistance program; amending Minnesota Statutes 2012, sections 245.4682, subdivision 2; 246.18, subdivision 8, by adding a subdivision; 256B.0625, by adding subdivisions; 256B.761.

Referred to the Committee on Health, Human Services and Housing.

Senators Saxhaug and Bakk introduced—

S.F. No. 1162: A bill for an act relating to taxation; property tax; requiring a study of the Iron Range fiscal disparities program; appropriating money.

Referred to the Committee on Taxes.

Senators Nelson and Dahms introduced—

S.F. No. 1163: A bill for an act relating to education; requiring the history of the U.S.-Dakota War of 1862 to be included in Minnesota's elementary and secondary social studies standards; amending Minnesota Statutes 2012, section 120B.023, subdivision 2.

Referred to the Committee on Education.

Senator Dibble introduced—

S.F. No. 1164: A bill for an act relating to higher education; requiring certain research dogs and cats at higher education research and related facilities to be offered for placement with an animal research organization; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Higher Education and Workforce Development.

Senators Sieben and Kent introduced—

S.F. No. 1165: A bill for an act relating to natural resources; appropriating money for eradication and control of Grecian foxglove.

Referred to the Committee on Finance.

Senators Marty, Torres Ray, Eaton, Dibble and Hoffman introduced—

S.F. No. 1166: A bill for an act relating to environmental health; prohibiting the sale of certain products containing triclosan or similar antibacterial compounds; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Energy.

Senators Pratt and Dahle introduced—

S.F. No. 1167: A bill for an act relating to education; creating a new intermediate school district in Carver, Scott, and LeSeuer counties; proposing coding for new law in Minnesota Statutes, chapter 136D.

Referred to the Committee on Education.

Senators Kent, Wiger, Carlson and Ingebrigtsen introduced—

S.F. No. 1168: A bill for an act relating to public safety; creating new crimes relating to 911 emergency calls; providing criminal penalties; amending Minnesota Statutes 2012, section 609.78.

Referred to the Committee on Judiciary.

Senator Carlson introduced—

S.F. No. 1169: A bill for an act relating to education; establishing a special education case loads task force; modifying rules governing individualized education program development; modifying rules governing special education services purchasing; requiring a report; repealing Minnesota Rules, parts 3525.0800, subpart 2; 3525.2810, subparts 1, 4.

Referred to the Committee on Education.

Senators Tomassoni, Saxhaug and Skoe introduced—

S.F. No. 1170: A bill for an act relating to state government; appropriating money for environment, natural resources, and commerce; modifying and providing for certain fees;

modifying and providing for disposition of certain revenue; creating accounts; modifying mining permit provisions; modifying provisions for taking game and fish; providing for wastewater laboratory certification; modifying certain permanent school fund provisions; providing for product stewardship programs; providing for sanitary districts; requiring rulemaking; amending Minnesota Statutes 2012, sections 13.7411, subdivision 4; 15A.0815, subdivision 3; 60A.14, subdivision 1; 85.052, subdivision 6; 85.054, by adding a subdivision; 85.055, subdivision 2; 89.0385; 89.17; 92.50; 93.17, subdivision 1; 93.1925, subdivision 2; 93.25, subdivision 2; 93.285, subdivision 3; 93.46, by adding a subdivision; 93.481, subdivisions 3, 5, by adding subdivisions; 93.482; 94.342, subdivision 5; 97A.045, subdivision 1; 97A.445, subdivision 1; 97A.451, subdivisions 3, 3b, 4, 5, by adding a subdivision; 97A.475, subdivisions 2, 3; 97A.485, subdivision 6; 103G.615, subdivision 2; 103I.601, by adding a subdivision; 127A.30, subdivision 1; 127A.351; 127A.352; 168.1296, subdivision 1; 239.101, subdivision 3; 275.066; proposing coding for new law in Minnesota Statutes, chapters 93; 115; 115A; proposing coding for new law as Minnesota Statutes, chapter 442A; repealing Minnesota Statutes 2012, sections 97A.451, subdivision 4a; 115.18, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10; 115.19; 115.20; 115.21; 115.22; 115.23; 115.24; 115.25; 115.26; 115.27; 115.28; 115.29; 115.30; 115.31; 115.32; 115.33; 115.34; 115.35; 115.36; 115.37; 127A.353.

Pursuant to Joint Rule 2.03, referred to the Committee on Rules and Administration.

Senators Clausen, Sieben, Metzen and Carlson introduced—

S.F. No. 1171: A bill for an act relating to transportation; capital improvements; appropriating money for reconstruction of interchange of County Road 42 at marked Trunk Highway 52 in Dakota County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Newman introduced—

S.F. No. 1172: A bill for an act relating to human services; modifying operating payment rates for a nursing facility in Meeker County; amending Minnesota Statutes 2012, section 256B.431, by adding a subdivision.

Referred to the Committee on Finance.

Senator Dibble introduced—

S.F. No. 1173: A bill for an act relating to transportation; defining project for metropolitan area regional railroad authorities' contributions toward capital costs of light rail transit or commuter rail project; amending Minnesota Statutes 2012, section 398A.10, by adding a subdivision.

Referred to the Committee on Transportation and Public Safety.

Senators Dahms, Miller, Weber, Koenen and Rosen introduced—

S.F. No. 1174: A bill for an act relating to human services; requiring a pay increase for employees of community-based services facilities serving individuals with developmental disabilities.

Referred to the Committee on Health, Human Services and Housing.

Senators Dzedzic, Ortman, Senjem and Reinert introduced—

S.F. No. 1175: A bill for an act relating to taxation; income and corporate franchise; modifying the historic structure rehabilitation credit; amending Minnesota Statutes 2012, section 290.0681, subdivisions 1, 3, 4, 5, 10; Laws 2010, chapter 216, section 11.

Referred to the Committee on Taxes.

Senators Kent and Dibble introduced—

S.F. No. 1176: A bill for an act relating to transportation; specifying minimum funding for alternative transportation; proposing coding for new law in Minnesota Statutes, chapter 174.

Referred to the Committee on Transportation and Public Safety.

Senators Hawj, Jensen and Hoffman introduced—

S.F. No. 1177: A bill for an act relating to economic development; appropriating money for a grant to the Boys and Girls Club.

Referred to the Committee on Finance.

Senators Marty, Koenen, Hawj, Carlson and Eaton introduced—

S.F. No. 1178: A bill for an act relating to lobbying reports; amending the reporting requirements for lobbying expenses for certain procedures at the Public Utilities Commission; amending Minnesota Statutes 2012, section 10A.04, subdivision 6.

Referred to the Committee on Rules and Administration.

Senator Sieben introduced—

S.F. No. 1179: A bill for an act relating to transportation; providing for conveyance of state land to the city of Newport.

Referred to the Committee on Transportation and Public Safety.

Senators Ortman, Chamberlain and Thompson introduced—

S.F. No. 1180: A bill for an act relating to public safety; limiting the authority of local units of government to enact new criminal ordinances; providing for a delayed reduction in the criminal penalties applicable to existing local ordinance violations; amending Minnesota Statutes 2012, sections 366.01, subdivision 10; 375.53; 412.231; proposing coding for new law in Minnesota Statutes, chapters 410; 609; repealing Minnesota Statutes 2012, section 609.034.

Referred to the Committee on Judiciary.

Senator Nelson introduced—

S.F. No. 1181: A bill for an act relating to health; requiring reporting of diverted narcotics or controlled substances; amending Minnesota Statutes 2012, section 214.33, by adding a subdivision.

Referred to the Committee on Health, Human Services and Housing.

Senator Saxhaug introduced—

S.F. No. 1182: A bill for an act relating to local government; authorizing municipalities to issue obligations without election for certain street improvements; amending Minnesota Statutes 2012, section 475.58, subdivision 3b.

Referred to the Committee on State and Local Government.

Senator Marty introduced—

S.F. No. 1183: A bill for an act relating to health; requiring mandatory rabies vaccination for dogs and proof of vaccination; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 346.

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

Senators Chamberlain, Housley and Benson introduced—

S.F. No. 1184: A bill for an act relating to local government; appropriating money for a grant to the city of Hugo to study the feasibility of a regional sewer and water system.

Referred to the Committee on Finance.

Senators Eaton, Bakk, Metzen, Saxhaug and Hoffman introduced—

S.F. No. 1185: A bill for an act relating to state government; ratifying labor agreements and compensation plans.

Referred to the Committee on State and Local Government.

Senator Tomassoni introduced—

S.F. No. 1186: A bill for an act relating to state lands; authorizing private and public sales of certain tax-forfeited land.

Referred to the Committee on Environment and Energy.

Senators Ortman, Nienow, Dibble, Sieben and Limmer introduced—

S.F. No. 1187: A bill for an act relating to public safety; modifying certain provisions regarding the Forensic Laboratory Advisory Board; appropriating money; amending Minnesota Statutes 2012, section 299C.156.

Referred to the Committee on Judiciary.

Senators Brown, Scalze and Kiffmeyer introduced—

S.F. No. 1188: A bill for an act relating to agriculture; modifying certain exemptions from food handler licensing requirements; amending Minnesota Statutes 2012, section 28A.15, subdivisions 9, 10.

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

Senators Stumpf and Saxhaug introduced—

S.F. No. 1189: A bill for an act relating to education finance; enhancing online college in the high school operations; increasing course offerings; providing additional online support to high schools in Minnesota; enhancing technology; appropriating money.

Referred to the Committee on Finance.

Senators Pappas and Johnson introduced—

S.F. No. 1190: A bill for an act relating to state government; changing provisions of the Legislative Advisory Commission, Legislative Coordinating Commission, Legislative Commission on Pensions and Retirement, Compensation Council, and Mississippi River Parkway Commission; amending Minnesota Statutes 2012, sections 3.30, subdivision 2; 3.303, by adding a subdivision; 3.85, subdivisions 8, 9; 15A.082, subdivisions 1, 2, 3; 161.1419, subdivision 3; repealing Minnesota Statutes 2012, sections 3.304, subdivisions 1, 5; 3.885, subdivision 10; 16A.10, subdivision 1c.

Referred to the Committee on State and Local Government.

Senator Pappas introduced—

S.F. No. 1191: A bill for an act relating to retirement; volunteer firefighter relief associations; defining a relief association fiscal year; clarifying leaves exempted from minimum resumption service requirements for break-in-service service credit; mandating municipal approval for certain interest rates creditable to deferred service credits; amending Minnesota Statutes 2012, sections 69.771, subdivision 1; 69.774, subdivision 1; 424A.001, by adding a subdivision; 424A.01, subdivision 6; 424A.015, subdivisions 1, 4; 424A.016, subdivision 6; 424A.02, subdivision 7; 424A.10, subdivisions 1, 2; repealing Minnesota Statutes 2012, section 424A.10, subdivision 5.

Referred to the Committee on State and Local Government.

Senators Hoffman, Dzedzic, Marty and Dibble introduced—

S.F. No. 1192: A bill for an act relating to water; modifying the Clean Water Legacy Act to improve accountability; amending Minnesota Statutes 2012, sections 114D.15, subdivision 11; 114D.25, by adding subdivisions; 114D.50, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 114D.

Referred to the Committee on Environment and Energy.

Senators Hoffman, Johnson and Scalze introduced—

S.F. No. 1193: A bill for an act relating to taxation; corporate franchise tax; allowing a technology transfer program for new or expanding biotechnology companies; amending Minnesota Statutes 2012, sections 290.01, subdivisions 19d, 29; 290.06, by adding a subdivision; 290.0921, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Metzen moved that his name be stricken as a co-author to S.F. No. 816. The motion prevailed.

Senator Thompson moved that the name of Senator Torres Ray be added as a co-author to S.F. No. 873. The motion prevailed.

Senator Thompson moved that the name of Senator Torres Ray be added as a co-author to S.F. No. 874. The motion prevailed.

Senator Carlson moved that the name of Senator Hawj be added as a co-author to S.F. No. 950. The motion prevailed.

Senator Sparks moved that the name of Senator Koenen be added as a co-author to S.F. No. 1001. The motion prevailed.

Senator Eaton moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Rest be shown as chief author to S.F. No. 1010. The motion prevailed.

Senator Senjem moved that the name of Senator Nelson be added as a co-author to S.F. No. 1048. The motion prevailed.

Senator Rosen moved that the name of Senator Lourey be added as a co-author to S.F. No. 1077. The motion prevailed.

Senator Dahle moved that the name of Senator Wiger be added as a co-author to S.F. No. 1103. The motion prevailed.

Senator Bonoff moved that S.F. No. 715 be withdrawn from the Committee on Higher Education and Workforce Development and re-referred to the Committee on Finance. The motion prevailed.

Senator Champion moved that S.F. No. 999 be withdrawn from the Committee on Higher Education and Workforce Development and re-referred to the Committee on Finance. The motion prevailed.

Senator Kent moved that S.F. No. 1041 be withdrawn from the Committee on Higher Education and Workforce Development and re-referred to the Committee on Judiciary. The motion prevailed.

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated H.F. No. 5 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 5: A bill for an act relating to commerce; establishing the Minnesota Insurance Marketplace; prescribing its powers and duties; prohibiting abortion coverage with certain exemptions; recognizing the right to a person's physician of choice; establishing the right not to participate; specifying open meeting requirements and data practices procedures; appropriating money; amending Minnesota Statutes 2012, section 13.7191, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 62V.

CALL OF THE SENATE

Senator Bakk imposed a call of the Senate for the balance of the proceedings on H.F. No. 5. The Sergeant at Arms was instructed to bring in the absent members.

Senator Rosen moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 4, line 32, delete "seven" and insert "15"

Page 4, line 34, before the colon insert "members appointed by the governor and confirmed by the senate"

Page 5, delete lines 1 to 14 and insert:

"(1) six members representing the interests of individual consumers, employees, and small employers served by the marketplace which reflect the cultural diversity and geography of Minnesota and the population served by the marketplace;

(2) five members representing health care providers, health carriers, and producers;

(3) the commissioner of management and budget;

(4) the commissioner of commerce;

(5) the commissioner of health; and

(6) the commissioner of human services.

(b) The commissioners shall serve as ex-officio nonvoting members."

Page 5, line 15, delete "(b)" and insert "(c)"

Page 5, line 16, after the period, insert "At least one member must be currently active in the insurance industry and one member must be a practicing licensed provider."

Page 5, line 17, delete "(c)" and insert "(d)"

Page 5, line 19, delete "(d)" and insert "(e)"

Senator Reinert moved to amend the Rosen amendment to H.F. No. 5 as follows:

Page 1, delete lines 18 and 19

The question was taken on the adoption of the Reinert amendment to the Rosen amendment.

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

The roll was called, and there were yeas 7 and nays 58, as follows:

Those who voted in the affirmative were:

Dibble	Marty	Reinert	Wiklund
Hawj	Pappas	Sheran	

Those who voted in the negative were:

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

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

The question was taken on the adoption of the Rosen amendment.

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

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Nienow	Ruud
Benson	Franzen	Kiffmeyer	Ortman	Senjem
Bonoff	Gazelka	Limmer	Osmek	Thompson
Brown	Hall	Miller	Petersen, B.	Weber
Chamberlain	Hann	Nelson	Pratt	Westrom
Dahms	Housley	Newman	Rosen	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Pappas	Skoe
Carlson	Eaton	Kent	Reinert	Sparks
Champion	Eken	Koenen	Saxhaug	Stumpf
Clausen	Goodwin	Latz	Scalze	Tomassoni
Cohen	Hayden	Lourey	Schmit	Torres Ray
Dahle	Hoffman	Marty	Sheran	Wiger
Dibble	Jensen	Metzen	Sieben	Wiklund

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

Senator Rosen moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 15, after line 27, insert:

"Subd. 3. Review of proposed rules. Prior to the implementation of rules proposed under section 62V.05, subdivision 9 or 10, the board shall submit the proposed rules to the committee at the same time the proposed rules are published in the State Register. If within ten days of receipt of the

proposed rule a majority of the committee members requests further review of the proposed rule, the rule shall not be adopted until the request has been satisfied and withdrawn, the rule is approved in law, or the regular session of the legislature is adjourned for the year. If the legislature is not in session, the rule may be adopted, but shall not go into effect until the adjournment of the next legislative session. If no request for review is made by the committee, the rule may be adopted and may go into effect upon compliance with section 62V.05, subdivision 9 or 10."

Renumber the subdivisions in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Ortman	Senjem
Benson	Gazelka	Limmer	Osmek	Thompson
Bonoff	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Reinert	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Koenen	Scalze	Torres Ray
Clausen	Goodwin	Latz	Schmit	Wiger
Cohen	Hawj	Lourey	Sheran	Wiklund
Dahle	Hayden	Marty	Sieben	
Dibble	Hoffman	Metzen	Skoe	
Dziedzic	Jensen	Pappas	Sparks	

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

Senator Newman moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 13, delete lines 3 to 25

Page 13, line 26, delete "after the first year" and delete "Beginning January 1, 2014,"

Renumber the subdivisions in sequence

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:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Bonoff	Carlson	Champion	Clausen
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Cohen	Goodwin	Koenen	Saxhaug	Stumpf
Dahle	Hawj	Latz	Scalze	Tomassoni
Dibble	Hayden	Lourey	Schmit	Torres Ray
Dziedzic	Hoffman	Marty	Sheran	Wiger
Eaton	Jensen	Metzen	Sieben	Wiklund
Eken	Johnson	Pappas	Skoe	
Franzen	Kent	Reinert	Sparks	

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

Senator Dahms moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 5, delete lines 27 to 32 and insert:

"Subd. 4. **Conflict of interest.** Board members must recuse themselves from discussion of and voting on an official matter if the member has a conflict of interest. A conflict of interest means an association including a financial or personal association that has the potential to bias or have the appearance of biasing a member's decisions in matters related to the exchange or the conduct of activities under this chapter."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Newman	Rosen
Benson	Franzen	Kent	Nienow	Ruud
Bonoff	Gazelka	Kiffmeyer	Ortman	Senjem
Brown	Hall	Limmer	Osmek	Thompson
Chamberlain	Hann	Miller	Petersen, B.	Weber
Dahms	Housley	Nelson	Pratt	Westrom

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pappas	Skoe
Carlson	Eaton	Johnson	Reinert	Sparks
Champion	Eken	Koenen	Saxhaug	Stumpf
Clausen	Goodwin	Latz	Scalze	Tomassoni
Cohen	Hawj	Lourey	Schmit	Torres Ray
Dahle	Hayden	Marty	Sheran	Wiger
Dibble	Hoffman	Metzen	Sieben	Wiklund

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

Senator Gazelka moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 10, line 22, delete "selection of"

Page 10, delete lines 25 to 35 and insert:

"(1) the health plan provides the essential health benefits package described in section 1302(a) of the Affordable Care Act, except that the plan is not required to provide essential benefits that duplicate the minimum benefits of dental plans if:

(i) the Minnesota Insurance Marketplace has determined that at least one qualified dental plan is available to supplement the health plan's coverage; and

(ii) the health carrier makes prominent disclosure at the time it offers the health plan, in a form approved by the Minnesota Insurance Marketplace, that the health plan does not provide the full range of essential pediatric benefits, and that dental plans providing those benefits and other dental benefits not covered by the health plan are offered through the Minnesota Insurance Marketplace;

(2) the premium rates and policy forms have been approved by the commissioner of commerce or the commissioner of health;

(3) the health plan provides at least a bronze level of coverage unless the health plan is certified as a qualified catastrophic plan, meets the requirements of section 1302(e) of the Affordable Care Act for catastrophic plans, and will only be offered to individuals eligible for catastrophic coverage;

(4) the health plan's cost-sharing requirements do not exceed the limits established under section 1032(c)(1) of the Affordable Care Act, and if the health plan is offered to a qualified employer, the health plan's deductible does not exceed the limits established under section 1032(c)(2) of the Affordable Care Act;

(5) the health carrier offering the health plan:

(i) is licensed and in good standing;

(ii) offers at least one qualified health plan in the silver level and at least one qualified health plan in the gold level through the Minnesota Insurance Marketplace;

(iii) for each metal level in which the health carrier participates, offers coverage in that level to individuals who, as of the beginning of a plan or policy year, have not attained the age of 21;

(iv) charges the same premium rate for each qualified health plan without regard to whether the plan is offered through the Minnesota Insurance Marketplace and without regard to whether the health plan is offered directly from the health carrier or through an insurance producer;

(v) does not charge any cancellation fees or penalties; and

(vi) complies with the regulations developed by the secretary under section 1311(d) of the Affordable Care Act and such other requirements as the Minnesota Insurance Marketplace may establish;

(6) the health plan meets the requirements of certification as promulgated by rule by the Minnesota Insurance Marketplace pursuant to this chapter and under section 1311(c) of the Affordable Care Act; and

(7) the Minnesota Insurance Marketplace determines that making the health plan available through the Minnesota Insurance Marketplace is in the interest of qualified individuals and qualified employers.

(d) The provisions of this chapter that are applicable to qualified health plans must allow for and apply to the extent relevant to dental plans except as modified in accordance with clauses (1) to (3) in this paragraph:

(1) the dental organization must be licensed to offer stand-alone dental plans but need not be licensed to offer health plans;

(2) the dental plan must be limited to dental and oral health benefits, without substantially duplicating the benefits typically offered by health plans without dental coverage and must include, at a minimum, the essential pediatric dental benefits pursuant to section 1302(b)(1)(J) of the Affordable Care Act; and

(3) a health carrier and a dental organization may jointly offer a comprehensive health plan through the Minnesota Insurance Marketplace in which the essential pediatric dental benefits are provided by the dental organization and the other benefits are provided by the health carrier.

(e) All health carriers and health plans that have met the certification requirements of this subdivision shall be eligible for participation in the Minnesota Insurance Marketplace."

Page 11, delete lines 1 to 18

Page 11, line 19, delete "(g)" and insert "(f)"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Ortman	Ruud
Benson	Gazelka	Limmer	Osmek	Senjem
Bonoff	Hall	Miller	Petersen, B.	Thompson
Brown	Hann	Nelson	Pratt	Weber
Chamberlain	Housley	Newman	Reinert	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	

Those who voted in the negative were:

Carlson	Eaton	Jensen	Metzen	Skoe
Champion	Eken	Johnson	Pappas	Sparks
Clausen	Franzen	Kent	Saxhaug	Stumpf
Cohen	Goodwin	Koenen	Scalze	Tomassoni
Dahle	Hawj	Latz	Schmit	Torres Ray
Dibble	Hayden	Lourey	Sheran	Wiger
Dziedzic	Hoffman	Marty	Sieben	Wiklund

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

Senator Nelson moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 10, delete subdivision 5 and insert:

"Subd. 5. **Health carrier and health plan requirements; participation.** All health carriers and health plans that meet the minimum federal certification requirements under section 1311(c)(1) of the Affordable Care Act (Public Law 111-148), or comply with the Minnesota Health Plan Market Rules in chapter 62K, if enacted, in 2013 H.F. No. 779/S.F. No. 662, shall be eligible for participation in the Minnesota Insurance Marketplace."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Ortman	Ruud
Benson	Gazelka	Limmer	Osmek	Senjem
Bonoff	Hall	Miller	Petersen, B.	Thompson
Brown	Hann	Nelson	Pratt	Weber
Chamberlain	Housley	Newman	Reinert	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Saxhaug	Tomassoni
Carlson	Eken	Kent	Scalze	Torres Ray
Champion	Franzen	Koenen	Schmit	Wiger
Clausen	Goodwin	Latz	Sheran	Wiklund
Cohen	Hawj	Lourey	Sieben	
Dahle	Hayden	Marty	Skoe	
Dibble	Hoffman	Metzen	Sparks	
Dziedzic	Jensen	Pappas	Stumpf	

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

Senator Marty moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 4, line 9, delete "section" and insert "sections"

Page 4, line 10, before the period, insert "and 10A.09"

Page 4, after line 29, insert:

"(h) A Minnesota Insurance Marketplace decision that requires a vote of the board, other than a decision that applies only to hiring of employees or other internal management of the Minnesota Insurance Marketplace, is an "administrative action" under section 10A.01, subdivision 2."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 14, after line 19, insert:

"(c) If a conflict exists between federal data practices law and the law of this state, Minnesota law controls to the extent it is more protective of the rights and privacy of data subjects."

The motion prevailed. So the amendment was adopted.

Senator Nienow moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 14, after 19, insert:

"(c) The Minnesota Insurance Marketplace shall prepare a list of person with whom it has entered into data-sharing agreements under this section and a description of all databases in which data that are private or nonpublic may be maintained. A printable version of the list and descriptions must be available on the Minnesota Insurance Marketplace Web site."

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 6, after line 32, insert:

"Subd. 14. **Liability of violation of data practices.** In addition to the liability of any other person under law, board members are personally liable for a violation of data practices laws governing the use of and access to private or nonpublic data under section 62V.06 and for any unauthorized access to or acquisition of the data."

The question was taken on the adoption of the amendment.

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

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

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Weber
Benson	Hall	Miller	Pratt	Westrom
Brown	Hann	Nelson	Rosen	
Chamberlain	Housley	Newman	Ruud	
Dahms	Ingebrigtsen	Nienow	Senjem	
Fischbach	Kiffmeyer	Ortman	Thompson	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Petersen, B.	Sparks
Bonoff	Eaton	Kent	Reinert	Stumpf
Carlson	Eken	Koenen	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Jensen	Pappas	Skoe	

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

Senator Benson moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 14, after line 19, insert:

"(c) If the board determines that an individual has willfully collected, altered, accessed, acquired, received, maintained, shared, or disseminated data in violation of this section or chapter 13, the board shall immediately and permanently revoke the authority of the individual to have access to data that are not public data. If the board determines that the individual willfully accessed or acquired data

without explicit authorization from the board, the board shall forward the matter to the appropriate prosecutorial authority."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 60 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Champion	Eaton	Hayden	Torres Ray
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The motion prevailed. So the amendment was adopted.

Senator Nienow moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 14, after line 19, insert:

"(c) The Minnesota Insurance Marketplace may share not public data only pursuant to a written data-sharing agreement ensuring that the data may be used and released only as specifically authorized by the agreement and that the agency or other entity with which the data are shared will be liable for any improper use or release of the data."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Reinert	Stumpf
Bonoff	Eaton	Kent	Saxhaug	Tomassoni
Carlson	Eken	Koenen	Scalze	Torres Ray
Champion	Franzen	Latz	Schmit	Wiger
Clausen	Goodwin	Lourey	Sheran	Wiklund
Cohen	Hawj	Marty	Sieben	
Dahle	Hayden	Metzen	Skoe	
Dibble	Jensen	Pappas	Sparks	

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

Senator Brown moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 4, after line 29, insert:

"(h) All Minnesota state legislators must purchase their health coverage through the Minnesota Insurance Marketplace."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 45 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Ingebrigtsen	Ortman	Senjem
Benson	Eken	Jensen	Osmek	Sheran
Bonoff	Fischbach	Kent	Petersen, B.	Sieben
Brown	Franzen	Kiffmeyer	Pratt	Sparks
Carlson	Gazelka	Limmer	Reinert	Thompson
Chamberlain	Goodwin	Miller	Rosen	Weber
Clausen	Hall	Nelson	Ruud	Westrom
Dahms	Hann	Newman	Scalze	Wiger
Dibble	Housley	Nienow	Schmit	Wiklund

Those who voted in the negative were:

Bakk	Eaton	Koenen	Metzen	Stumpf
Champion	Hawj	Latz	Pappas	Tomassoni
Cohen	Hayden	Lourey	Saxhaug	Torres Ray
Dahle	Johnson	Marty	Skoe	

The motion prevailed. So the amendment was adopted.

Senator Newman moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 13, line 3, before "first" insert "the"

Page 13, after line 5, insert:

"(b) Before publication of the final rule in the State Register, the agency must submit the rule to an administrative law judge in the Office of Administrative Hearings. The administrative law judge shall within 14 days approve or disapprove the rule as to its legality and its form, to the extent the form relates to legality."

Page 13, line 6, delete "(b)" and insert "(c)"

Page 13, line 8, delete "(c)" and insert "(d)"

Page 13, line 12, delete "(d)" and insert "(e)"

Page 13, line 17, delete "(e)" and insert "(f)"

Page 13, line 20, delete "(f)" and insert "(g)"

Page 13, line 24, delete "(g)" and insert "(h)"

Senator Lourey moved to amend the Newman amendment to H.F. No. 5 as follows:

Page 1, line 7, delete "14" and insert "10"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Newman amendment, as amended.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Eaton

The motion prevailed. So the Newman amendment, as amended, was adopted.

Senator Westrom moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 13, after line 19, insert:

"(f) A rule adopted by the board under this subdivision is effective for 18 months. The rule expires 18 months after it first becomes effective, unless the rule is approved by law."

Page 13, line 20, delete "(f)" and insert "(g)"

Page 13, line 24, delete "(g)" and insert "(h)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Bonoff	Carlson	Champion	Clausen
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Dahle	Hawj	Lourey	Schmit	Torres Ray
Dibble	Hayden	Marty	Sheran	Wiger
Dziedzic	Jensen	Metzen	Sieben	Wiklund
Eaton	Johnson	Pappas	Skoe	
Eken	Kent	Reinert	Sparks	
Franzen	Koenen	Saxhaug	Stumpf	
Goodwin	Latz	Scalze	Tomassoni	

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

Senator Osmek moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 5, line 16, after the period, insert "The governor shall not appoint to the board any individual who has been a registered lobbyist within the last ten years."

Senator Osmek moved to amend the Osmek amendment to H.F. No. 5 as follows:

Page 1, line 5, delete "ten" and insert "two"

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

The question was taken on the adoption of the first Osmek amendment.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Senjem
Benson	Hall	Miller	Petersen, B.	Thompson
Brown	Hann	Nelson	Pratt	Weber
Chamberlain	Housley	Newman	Reinert	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Kiffmeyer	Ortman	Ruud	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Saxhaug	Tomassoni
Bonoff	Eaton	Kent	Scalze	Torres Ray
Carlson	Eken	Koenen	Schmit	Wiger
Champion	Franzen	Latz	Sheran	Wiklund
Clausen	Goodwin	Lourey	Sieben	
Cohen	Hawj	Marty	Skoe	
Dahle	Hayden	Metzen	Sparks	
Dibble	Jensen	Pappas	Stumpf	

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

Senator Limmer moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 14, line 29, delete "and"

Page 14, line 30, before the period, insert "; and (4) practices and procedures that have been implemented to ensure compliance with data practices laws; the security of private and nonpublic data and the prevention of unauthorized acquisition of or access to the data; changes in data practices

or classifications required by federal law; and a description of any violations of data practices laws or procedures"

The motion prevailed. So the amendment was adopted.

Senator Nienow moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 5, line 16, after the period insert "The governor shall not appoint any individual to the board who has served as an elected public official within the last five years."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Reinert	Stumpf
Bonoff	Eaton	Kent	Saxhaug	Tomassoni
Carlson	Eken	Koenen	Scalze	Torres Ray
Champion	Franzen	Latz	Schmit	Wiger
Clausen	Goodwin	Lourey	Sheran	Wiklund
Cohen	Hawj	Marty	Sieben	
Dahle	Hayden	Metzen	Skoe	
Dibble	Jensen	Pappas	Sparks	

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

Senator Nienow moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 5, line 16, after the period, insert "The governor shall not appoint any individual to the board who has served as an elected official to a federal office within the last ten years."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Bonoff	Carlson	Champion	Clausen
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Cohen	Goodwin	Latz	Scalze	Tomassoni
Dahle	Hawj	Lourey	Schmit	Torres Ray
Dibble	Hayden	Marty	Sheran	Wiger
Dziedzic	Jensen	Metzen	Sieben	Wiklund
Eaton	Johnson	Pappas	Skoe	
Eken	Kent	Reinert	Sparks	
Franzen	Koenen	Saxhaug	Stumpf	

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

Senator Osmek moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 5, line 16, after the period, insert "The governor shall not appoint to the board any individual who has been employed by the Minnesota senate within the last ten years."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Eaton	Kent	Saxhaug	Tomassoni
Bonoff	Eken	Koenen	Scalze	Torres Ray
Carlson	Franzen	Latz	Schmit	Wiger
Champion	Goodwin	Lourey	Sheran	Wiklund
Clausen	Hawj	Marty	Sieben	
Dahle	Hayden	Metzen	Skoe	
Dibble	Jensen	Pappas	Sparks	
Dziedzic	Johnson	Reinert	Stumpf	

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

Senator Pratt moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 5, line 27, before "Within" insert "(a)"

Page 5, after line 32, insert:

"(b) No board member shall have a close family member who is an executive of a health carrier. For purposes of this paragraph, a close family member includes a spouse, parent, sibling, or child."

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 5, line 16, after the period, insert "All board members appointed by the governor must be legal residents of Minnesota."

The motion prevailed. So the amendment was adopted.

Senator Nienow moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 2, line 9, delete everything after "amount" and insert "appropriated by the legislature."

Page 2, delete line 10

Page 2, line 13, delete everything after "amount" and insert "appropriated by the legislature"

Page 2, line 14, delete everything before the period

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Nienow	Ruud
Benson	Franzen	Kiffmeyer	Ortman	Senjem
Bonoff	Gazelka	Limmer	Osmek	Thompson
Brown	Hall	Miller	Petersen, B.	Weber
Chamberlain	Hann	Nelson	Pratt	Westrom
Dahms	Housley	Newman	Rosen	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Pappas	Skoe
Carlson	Eken	Kent	Reinert	Sparks
Champion	Goodwin	Koenen	Saxhaug	Stumpf
Clausen	Hawj	Latz	Scalze	Tomassoni
Dahle	Hayden	Lourey	Schmit	Torres Ray
Dibble	Hoffman	Marty	Sheran	Wiger
Dziedzic	Jensen	Metzen	Sieben	Wiklund

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

Senator Chamberlain moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 2, after line 15, insert:

"(c) Notwithstanding subdivision 2a, and paragraphs (a) and (b), the commissioner of management and budget shall not transfer an amount greater than \$61,000,000 each fiscal year."

Page 2, line 16, delete "(c)" and insert "(d)"

Page 2, line 17, delete "(a) or (b)" and insert "(a), (b), or (c)"

Page 2, line 21, delete "(d)" and insert "(e)"

Page 2, line 22, delete "(c)" and insert "(d)"

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:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pappas	Sparks
Bonoff	Eaton	Johnson	Reinert	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Koenen	Scalze	Torres Ray
Clausen	Goodwin	Latz	Schmit	Wiger
Cohen	Hawj	Lourey	Sheran	Wiklund
Dahle	Hayden	Marty	Sieben	
Dibble	Hoffman	Metzen	Skoe	

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

Senator Nienow moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 2, after line 4, insert:

"(c) The commissioner of management and budget shall review the certification of the estimated costs in paragraphs (a) and (b), and may object to the estimated costs submitted by the board. If the commissioner objects, the commissioner shall inform the chairs and the ranking minority members of the senate and house of representatives finance committees and the legislative oversight committee of the objection. If there is an objection, the commissioner shall not transfer the funds in accordance with subdivision 3 until the legislature has reviewed and appropriated the estimated costs for the operations of the Minnesota Insurance Marketplace."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Franzen	Kiffmeyer	Osmek	Weber
Benson	Gazelka	Limmer	Petersen, B.	Westrom
Bonoff	Hall	Miller	Pratt	Wiger
Brown	Hann	Nelson	Rosen	
Chamberlain	Housley	Newman	Ruud	
Dahms	Ingebrigtsen	Nienow	Senjem	
Fischbach	Kent	Ortman	Thompson	

Those who voted in the negative were:

Bakk	Dziedzic	Hoffman	Marty	Schmit
Carlson	Eaton	Jensen	Metzen	Sheran
Champion	Eken	Johnson	Pappas	Sieben
Clausen	Goodwin	Koenen	Reinert	Skoe
Dahle	Hawj	Latz	Saxhaug	Sparks
Dibble	Hayden	Lourey	Scalze	Stumpf

Tomassoni

Torres Ray

Wiklund

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

Senator Newman moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 11, line 23, delete "(a) The board shall" and insert "An individual or employer who is aggrieved by a decision of the Minnesota Insurance Marketplace regarding an eligibility determination or redetermination is entitled to a contested case proceeding under chapter 14. The report or order of the administrative law judge constitutes the final decision in the case, subject to judicial review under sections 14.63 to 14.69."

Page 11, delete lines 24 to 31

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:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pappas	Sparks
Bonoff	Eaton	Johnson	Reinert	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Koenen	Scalze	Torres Ray
Clausen	Goodwin	Latz	Schmit	Wiger
Cohen	Hawj	Lourey	Sheran	Wiklund
Dahle	Hayden	Marty	Sieben	
Dibble	Hoffman	Metzen	Skoe	

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

Senator Newman moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 11, line 27, after the period, insert "The process must be substantially similar to the hearing process under section 256.045 and include judicial review in the manner specified under section 256.045, subdivisions 7 to 9."

The motion prevailed. So the amendment was adopted.

Senator Gazelka moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 14, line 23, delete everything after the period

Page 14, delete line 24

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Saxhaug	Tomassoni
Bonoff	Eaton	Kent	Scalze	Torres Ray
Carlson	Eken	Koenen	Schmit	Wiger
Champion	Franzen	Lourey	Sheran	Wiklund
Clausen	Goodwin	Marty	Sieben	
Cohen	Hawj	Metzen	Skoe	
Dahle	Hayden	Pappas	Sparks	
Dibble	Hoffman	Reinert	Stumpf	

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

Senator Benson moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 4, line 8, after the period, insert "Upon the audit of the financial accounts and affairs of the Minnesota Insurance Marketplace, the Minnesota Insurance Marketplace is liable to the state for the total cost and expenses of the audit, including the salaries paid to the examiners while actually engaged in making the examination. The legislative auditor may bill the Minnesota Insurance Marketplace either monthly or at the completion of the audit. All collections received for the audits must be deposited in the general fund and are appropriated to the legislative auditor."

The motion prevailed. So the amendment was adopted.

Senator Gazelka moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 7, line 6, delete "serve in"

Page 7, line 7, delete "the unclassified service and shall"

Page 7, line 10, delete everything after "subdivision 3"

Page 7, line 11, delete everything before the semicolon

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Nienow	Ruud
Benson	Franzen	Kiffmeyer	Ortman	Senjem
Bonoff	Gazelka	Limmer	Osmek	Thompson
Brown	Hall	Miller	Petersen, B.	Weber
Chamberlain	Hann	Nelson	Pratt	Westrom
Dahms	Housley	Newman	Rosen	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pappas	Skoe
Carlson	Eaton	Kent	Reinert	Sparks
Champion	Eken	Koenen	Saxhaug	Stumpf
Clausen	Goodwin	Latz	Scalze	Tomassoni
Cohen	Hawj	Lourey	Schmit	Torres Ray
Dahle	Hayden	Marty	Sheran	Wiger
Dibble	Hoffman	Metzen	Sieben	Wiklund

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

Senator Dahms moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 8, line 18, after the period, insert "Compensation must be set by the health carrier and not by the board."

The motion prevailed. So the amendment was adopted.

Senator Dahms moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 7, after line 23, insert:

"(d) The board shall not have the power to regulate, influence, or restrict in any way health plans that meet federal and state criteria, even if the health benefit plans do not include additional criteria established by the Minnesota Insurance Marketplace."

Page 10, delete lines 14 to 20 and insert:

"(b) The board shall not have the power to establish certification requirements beyond existing state and federal law for health plans to be offered only outside the Minnesota Insurance Marketplace. Any health plan that meets state and federal law must be allowed for sale outside the Minnesota Insurance Marketplace regardless of whether it meets the board's additional certification requirements for sale through the Minnesota Insurance Marketplace."

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

Senator Benson moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 9, after line 11, insert:

"(i) The commissioner of commerce shall establish a process by which an insurance producer could enroll an individual in a health plan outside the Minnesota Insurance Marketplace using federal subsidies."

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

Senator Brown moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 10, after line 8, insert:

"(f) Beginning January 15, 2015, and each January 15 thereafter, navigators and organizations receiving funds from the navigator program must report the navigator program's expenditures and staff salaries to the legislative oversight committee under section 62V.10, for the previous calendar year. The legislative oversight committee shall annually review the report to ensure that the navigators are not receiving compensation from the organization and from the navigator program grants."

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Gazelka	Miller	Petersen, B.	Weber
Benson	Hall	Nelson	Pratt	Westrom
Brown	Hann	Newman	Rosen	
Chamberlain	Housley	Nienow	Ruud	
Dahms	Kiffmeyer	Ortman	Senjem	
Fischbach	Limmer	Osmeck	Thompson	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pappas	Sparks
Bonoff	Eaton	Johnson	Reinert	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Koenen	Scalze	Torres Ray
Clausen	Goodwin	Latz	Schmit	Wiger
Cohen	Hawj	Lourey	Sheran	Wiklund
Dahle	Hayden	Marty	Sieben	
Dibble	Hoffman	Metzen	Skoe	

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

Senator Benson moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 14, after line 4, insert:

"(c) Nothing in this chapter shall prohibit a private entity from establishing a private health insurance exchange that has access to the same subsidies as those available under the Minnesota Insurance Marketplace."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Miller	Petersen, B.	Weber
Benson	Hann	Nelson	Pratt	Westrom
Brown	Housley	Newman	Rosen	
Chamberlain	Ingebrigtsen	Nienow	Ruud	
Dahms	Kiffmeyer	Ortman	Senjem	
Fischbach	Limmer	Osmek	Thompson	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Reinert	Stumpf
Bonoff	Eaton	Kent	Saxhaug	Tomassoni
Carlson	Eken	Koenen	Scalze	Torres Ray
Champion	Franzen	Latz	Schmit	Wiger
Clausen	Goodwin	Lourey	Sheran	Wiklund
Cohen	Hayden	Marty	Sieben	
Dahle	Hoffman	Metzen	Skoe	
Dibble	Jensen	Pappas	Sparks	

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

Senator Thompson moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 17, after line 9, insert:

"Sec. 19. **COMMISSIONER OF COMMERCE CERTIFICATION.**

(a) The commissioner of commerce shall certify by July 1 of each year whether, as a result of participation in the Minnesota Insurance Marketplace, 50 percent or more of participants experienced net premium increases in the prior calendar year.

(b) If the commissioner makes the certification described in paragraph (a), this act shall sunset 12 months from the date of certification."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Nienow	Rosen
Benson	Gazelka	Kiffmeyer	Ortman	Ruud
Brown	Hall	Limmer	Osmek	Thompson
Chamberlain	Hann	Miller	Petersen, B.	Weber
Dahms	Housley	Newman	Pratt	Westrom

Those who voted in the negative were:

Bakk	Cohen	Eken	Hoffman	Latz
Bonoff	Dahle	Franzen	Jensen	Lourey
Carlson	Dibble	Goodwin	Johnson	Marty
Champion	Dziedzic	Hawj	Kent	Metzen
Clausen	Eaton	Hayden	Koenen	Pappas

Reinert
Saxhaug
Scalze

Schmit
Sheran
Sieben

Skoe
Sparks
Stumpf

Tomassoni
Torres Ray
Wiger

Wiklund

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

Senator Hall moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 7, line 26, after the period, insert "The Minnesota Insurance Marketplace shall post on its Web site the annual estimated costs necessary to fund the operations of the Minnesota Insurance Marketplace as certified to the commissioner of management and budget under section 16A.725, subdivision 2a."

The motion prevailed. So the amendment was adopted.

Senator Housley moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 15, line 2, delete everything after the period

Page 15, delete line 3

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson
Benson
Chamberlain
Dahms
Fischbach
Gazelka

Hall
Hann
Housley
Ingebrigtsen
Kiffmeyer
Limmer

Miller
Nelson
Newman
Nienow
Ortman
Osmek

Petersen, B.
Pratt
Rosen
Ruud
Senjem
Thompson

Weber
Westrom
Wiger

Those who voted in the negative were:

Bakk
Bonoff
Carlson
Champion
Clausen
Cohen
Dahle
Dibble

Dziedzic
Eaton
Eken
Franzen
Goodwin
Hawj
Hayden
Hoffman

Jensen
Johnson
Kent
Koenen
Latz
Lourey
Metzen
Pappas

Reinert
Saxhaug
Scalze
Schmit
Sheran
Sieben
Skoe
Sparks

Stumpf
Tomassoni
Torres Ray
Wiklund

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

Senator Limmer moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 14, line 19, after the period, insert "No personal medical or health data can be shared under this section."

Senator Limmer moved to amend the Limmer amendment to H.F. No. 5 as follows:

Page 1, line 4, delete "or health"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Limmer amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Lourey moved to amend H.F. No. 5, as amended pursuant to Rule 45, adopted by the Senate March 6, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1.)

Page 10, line 32, delete "long-term cost"

Page 10, line 33, delete "containment;"

The motion prevailed. So the amendment was adopted.

H.F. No. 5 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 37 and nays 28, as follows:

Those who voted in the affirmative were:

Bakk	Eaton	Johnson	Reinert	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Koenen	Scalze	Torres Ray
Clausen	Goodwin	Latz	Schmit	Wiger
Cohen	Hawj	Lourey	Sheran	Wiklund
Dahle	Hayden	Marty	Sieben	
Dibble	Hoffman	Metzen	Skoe	
Dziedzic	Jensen	Pappas	Sparks	

Those who voted in the negative were:

Anderson	Fischbach	Kiffmeyer	Ortman	Senjem
Benson	Gazelka	Limmer	Osmek	Thompson
Bonoff	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	

So the bill, as amended, was 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, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 582.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 7, 2013

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 582: A bill for an act relating to health; requiring accreditation of advanced diagnostic imaging services operating in the state; amending Minnesota Statutes 2012, section 144.1225, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 493, now on General Orders.

REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was re-referred

S.F. No. 466: A bill for an act relating to public health; protecting children from exposure to harmful chemicals in products; amending criteria for identification of priority chemicals; requiring disclosure by manufacturers of children's products that contain harmful chemicals; authorizing Pollution Control Agency to prohibit sales of children's products that contain harmful chemicals; providing waiver process; establishing fees; requiring a report; amending Minnesota Statutes 2012, sections 13.7411, subdivision 8; 116.9401; 116.9403; 116.9405; 116.9406; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 3, lines 1 to 3, strike the old language and delete the new language

Page 3, delete lines 4 and 5 and insert:

"(1) an alternative chemical that is not a priority chemical identified by the Department of Health in section 116.9403; or

(2) an alternative chemical that is not identified on the basis of credible scientific evidence by a state, federal, or international agency as being known or suspected with a high degree of probability to:

(i) harm the normal development of a fetus or child or cause other developmental toxicity;

(ii) cause cancer, genetic damage, or reproductive harm;

(iii) disrupt the endocrine or hormone system; or

(iv) damage the nervous system, immune system, or organs, or cause other systemic toxicity.

(o) "Mouthable" means a product that can be placed into and kept in a child's mouth to be sucked or chewed, including any product or product part smaller than five centimeters in one dimension. A product that can only be licked is not mouthable.

(p) "Practical quantification limit (PQL)" means the lowest concentration of a chemical that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness, and comparability under routine laboratory operating conditions, and whose value:

(1) is based on scientifically defensible, standard analytical methods;

(2) may vary depending on the matrix and analytical method used; and

(3) will be determined jointly by the agency and the department, taking into consideration practical quantification limits established by federal or state agencies.

(q) "Product category" means the "brick" level of the GS1 Global Product Classification (GPC) standard, which identifies products that serve a common purpose, are of a similar form and material, and share the same set of category attributes.

(r) "Product component" means a uniquely identifiable material or coating, including, but not limited to, an ink or dye, that is intended to be included as a part of a finished children's product."

Page 4, after line 30, insert:

"Sec. 6. [116.9408] CHILDREN'S PRODUCTS; REPORTING INFORMATION ON PRIORITY CHEMICALS; TIMING.

A manufacturer or distributor of a children's product offered for sale in this state that contains a priority chemical must, unless the children's product is not subject to regulation under section 116.9405, provide the information required under section 116.9409 to the agency. The maximum length of time between the designation of a priority chemical under section 116.9403 and the time the information required under section 116.9409 must be submitted to the agency varies according to the manufacturer's or distributor's annual aggregate gross sales, both within and outside the state, as reported in their most recently filed federal tax return, as follows:

(1) for a manufacturer or distributor with gross sales exceeding \$1,000,000,000, one year, or, for a priority chemical designated under section 116.9403 before July 1, 2011, by July 1, 2014;

(2) for a manufacturer or distributor with gross sales exceeding \$250,000,000 but less than or equal to \$1,000,000,000, one and one-half years, or, for a priority chemical designated under section 116.9403 before July 1, 2011, by July 1, 2015;

(3) for a manufacturer or distributor with gross sales exceeding \$100,000,000 but less than or equal to \$250,000,000, two years, or, for a priority chemical designated under section 116.9403 before July 1, 2011, by July 1, 2015;

(4) for a manufacturer or distributor with gross sales exceeding \$5,000,000 but less than or equal to \$100,000,000, three years, or, for a priority chemical designated under section 116.9403 before July 1, 2011, by July 1, 2016;

(5) for a manufacturer or distributor with gross sales exceeding \$100,000 but less than or equal to \$5,000,000, four years, or, for a priority chemical designated under section 116.9403 before July 1, 2011, by July 1, 2017; and

(6) for a manufacturer or distributor with gross sales below \$100,000, five years, or, for a priority chemical designated under section 116.9403 before July 1, 2011, by July 1, 2018."

Page 4, delete lines 33 and 34

Page 5, line 1, delete "January 1, 2014," and insert "(a)"

Page 5, line 2, delete "a priority chemical must, unless" and insert "one or more priority chemicals must, except as provided in paragraph (d), or if"

Page 5, line 5, delete the second "the" and insert "each"

Page 5, line 9, after "a" insert "mouthable"

Page 5, line 10, before "intended" insert "a children's product"

Page 5, line 16, delete "not intended to be in" and insert "that, under normal use, is unlikely to come into"

Page 5, delete lines 17 to 19 and insert:

"(3) the product components, materials, or coatings that contain one or more priority chemicals;

(4) the concentration and total amount of each priority chemical contained in a children's product, a description of how the concentration was determined, and an evaluation of the accuracy of the determination. Concentrations at or above the practical quantification limit must be reported, but may be reported in the following ranges:

(i) greater than or equal to the practical quantification limit but less than 100 ppm;

(ii) greater than or equal to 100 ppm but less than 500 ppm;

(iii) greater than or equal to 500 ppm but less than 1,000 ppm;

(iv) greater than or equal to 1,000 ppm but less than 5,000 ppm;

(v) greater than or equal to 5,000 ppm but less than 10,000 ppm;

(vi) greater than or equal to 10,000 ppm.

For the purposes of this section, "ppm" means parts per million;

(5) the product category or categories for the children's product;

(6) the name and address of the reporting manufacturer and the name, address, and phone number of the contact person for the reporting manufacturer;"

Page 5, line 20, delete "(4)" and insert "(7)"

Page 5, line 22, delete "(5)" and insert "(8)"

Page 5, line 24, delete "(6)" and insert "(9)"

Page 5, line 26, delete "(7)" and insert "(10)"

Page 5, line 27, delete "(8)" and insert "(11)"

Page 5, line 32, delete everything after the period

Page 5, delete lines 33 to 35

Page 6, line 4, before the period, insert "thereafter"

Page 6, after line 4, insert:

"(d) The department shall determine on a case-by-case basis if reporting the information in paragraph (a), clauses (3) to (8), is required by a manufacturer whose children's product belongs in Category 4 under paragraph (a), clause (2).

(e) If the manufacturer claims that any of the information provided to the agency under this section is trade secret information under section 325C.01, subdivision 5, the agency shall make a determination regarding the claim under that section and section 13.37, subdivision 1. Information determined to be public data will be posted on the agency's Web site. This paragraph does not apply to the identification of a chemical as a priority chemical, which is governed under section 116.9403, subdivisions 2 and 3."

Renumber the sections in sequence and correct the internal references

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Commerce. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred

S.F. No. 373: A bill for an act relating to human services; modifying medical assistance coverage to include consultations with psychologists; amending Minnesota Statutes 2012, section 256B.0625, subdivision 48.

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

Page 1, line 9, delete "or" and insert a comma

Page 1, line 10, after "psychologist" insert ", or an advanced practice registered nurse"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Sheran from the Committee on Health, Human Services and Housing, to which was re-referred

S.F. No. 379: A bill for an act relating to children's health; prohibiting sale of children's food containers containing bisphenol-A; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Senator Sheran from the Committee on Health, Human Services and Housing, to which was re-referred

S.F. No. 357: A bill for an act relating to public health; banning formaldehyde in certain children's products; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Senator Pappas from the Committee on State and Local Government, to which was referred

S.F. No. 778: A bill for an act relating to collective bargaining; authorizing collective bargaining for family child care providers; proposing coding for new law in Minnesota Statutes, chapter 179A.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

FAMILY CHILD CARE PROVIDERS REPRESENTATION ACT

Section 1. [179A.50] REPRESENTATION OF FAMILY CHILD CARE PROVIDERS.

Sections 179A.50 to 179A.52 shall be known as the Family Child Care Providers Representation Act.

Sec. 2. [179A.51] DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 179A.50 to 179A.52, the terms in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of mediation services.

Subd. 3. **Exclusive representative.** "Exclusive representative" means an employee organization that has been elected and certified under section 179A.52, thereby maintaining the right to represent family child care providers in their relations with the state.

Subd. 4. **Family child care provider.** "Family child care provider" means an individual, either licensed or unlicensed, who provides legal child care services as defined under section 245A.03, except for providers licensed under Minnesota Rules, chapter 9503, or excluded from licensure under section 245A.03, subdivision 2, paragraph (a), clause (5), and who provides child care assistance services under chapter 119B.

Sec. 3. [179A.52] RIGHT TO ORGANIZE.

Subdivision 1. **Right to organize; limitations.** Family child care providers shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation and meeting and negotiating with the state. Section 179A.22 applies to family child care providers except as otherwise provided in this section. This section does not require the treatment of family child care providers as public employees for any other purpose. Family child care providers shall have the same rights to interest arbitration provided under section

179A.16, subdivision 2, to essential employees. Family child care providers shall not have the right to strike.

Subd. 2. **Appropriate unit.** The only appropriate unit under this section shall be a statewide unit of all family child care providers. The unit shall be treated as an appropriate unit under section 179A.10, subdivision 2.

Subd. 3. **Certification; process.** For the purposes of determining certification under section 179A.12, the commissioner shall utilize a list of family child care providers compiled by the commissioner of human services over the most recent 12-month period. The commissioner shall conduct a certification election by mail ballot pursuant to the procedures in chapter 179A.

Subd. 4. **Compilation of list.** The commissioner shall, by July 1, 2013, and then monthly thereafter, compile and maintain a list of the names and addresses of all family child care providers who have been paid for providing child care assistance services to participants within the previous six months. The list shall not include the name of any participant, or indicate that an individual provider is a relative of a participant or has the same address as a participant. The commissioner shall share the lists with others as needed for the state to meet its obligations under chapter 179A as modified and made applicable to family child care providers under this section, and to facilitate the representational processes under this section.

Subd. 5. **List access.** Beginning July 1, 2013, upon a showing made to the commissioner of the Bureau of Mediation Services by any employee organization wishing to represent the appropriate unit of family child care providers that at least 500 family child care providers support such representation, the commissioner of human services shall provide to such organization within seven days the most recent list of family child care providers compiled under this subdivision, and subsequent monthly lists upon request for an additional three months.

Subd. 6. **Elections for exclusive representative.** After July 31, 2013, any employee organization wishing to represent the appropriate unit of family child care providers may seek exclusive representative status pursuant to section 179A.12. Representation elections for family child care providers shall be conducted by mail ballot, and such election shall be conducted upon an appropriate petition stating that at least 30 percent of the unit wishes to be represented by the petitioner. The family child care providers eligible to vote in any such election shall be those family child care providers on the monthly list of family child care providers compiled under this section, most recently preceding the filing of the election petition. Except as otherwise provided, elections under this clause shall be conducted in accordance with section 179A.12.

Subd. 7. **Meet and negotiate.** If the commissioner certifies an employee organization as the majority exclusive representative, the state, through the governor or the governor's designee, shall meet and negotiate in good faith with the exclusive representative of the family child care provider unit regarding grievance issues, child care assistance reimbursement rates under chapter 119B, and terms and conditions of service, but this obligation does not compel the state or its representatives to agree to a proposal or require the making of a concession. The governor or the governor's designee is authorized to enter into agreements with the exclusive representative. Negotiated agreements and arbitration decisions must be submitted to the legislature to be accepted or rejected in accordance with sections 3.855 and 179A.22.

Subd. 8. **Meet and confer.** The state has an obligation to meet and confer under chapter 179A with family child care providers to discuss policies and other matters relating to their service that are not terms and conditions of service.

Subd. 9. **Terms and conditions of service.** For purposes of this section, "terms and conditions of service" has the same meaning as given in section 179A.03, subdivision 19.

Subd. 10. **Exemption; federal law.** In affording family child care providers the right to engage in collective action, select a representative, and jointly engage in discussions with the state under the terms of this section, the state intends that the "state action" exemption from federal antitrust laws be fully available to the state, based on the state's active supervision of family child care providers to improve the quality, accessibility, and affordability of early childhood education services in the state.

Subd. 11. **Rights.** Nothing in this section shall be construed to interfere with:

(1) parental rights to select and deselect family child care providers or the ability of family child care providers to establish the rates they charge to parents;

(2) the right or obligation of any state agency to communicate or meet with any citizen or organization concerning family child care legislation, regulation, or policy; or

(3) the rights and responsibilities of family child care providers under federal law.

Subd. 12. **Membership status and eligibility for subsidies.** Membership status in an employee organization shall not affect the eligibility of a family child care provider to receive payments under, or serve a child who receives payments under, chapter 119B.

Sec. 4. **[179A.53] NO USE OF SCHOLARSHIPS FOR DUES OR FEES.**

Early learning scholarships shall not be applied, through state withholding or otherwise, toward payment of dues or fees that are paid to exclusive representatives of family child care providers.

EFFECTIVE DATE. This section is effective the day following final enactment of a law styled as Senate File No. 481 of the 88th legislature.

Sec. 5. **SEVERABILITY.**

Should any part of this act be declared invalid or unenforceable, or the enforcement or compliance with it is suspended, restrained, or barred, either by the state or by the final judgment of a court of competent jurisdiction, the remainder of this act shall remain in full force and effect.

Sec. 6. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

ARTICLE 2

INDIVIDUAL PROVIDERS OF DIRECT SUPPORT SERVICES REPRESENTATION

Section 1. **[179A.54] INDIVIDUAL PROVIDERS OF DIRECT SUPPORT SERVICES.**

Subdivision 1. **Definitions.** For the purposes of this section:

(a) "Direct support services" has the meaning given to it under section 256B.0711, subdivision 1, paragraph (c).

(b) "Individual provider" has the meaning given to it under section 256B.0711, subdivision 1, paragraph (d).

(c) "Participant" has the meaning given to it under section 256B.0711, subdivision 1, paragraph (e).

(d) "Participant's representative" has the meaning given to it under section 256B.0711, subdivision 1, paragraph (f).

Subd. 2. **Rights of individual providers and participants.** For the purposes of the Public Employment Labor Relations Act, under chapter 179A, individual providers shall be considered, by virtue of this section, executive branch state employees employed by the commissioner of management and budget or the commissioner's representative. This section does not require the treatment of individual providers as public employees for any other purpose. Chapter 179A shall apply to individual providers except as otherwise provided in this section. Notwithstanding section 179A.03, subdivision 14, paragraph (a), clause (5), chapter 179A shall apply to individual providers regardless of part-time or full-time employment status.

Subd. 3. **Scope of meet and negotiate obligation.** If an exclusive representative is certified pursuant to this section, the mutual rights and obligations of the state and an exclusive representative of individual providers to meet and negotiate regarding terms and conditions shall extend to the subjects covered under section 256B.0711, subdivision 11, paragraph (c), but shall not include those subjects reserved to participants or participants' representatives by subdivision 4.

Subd. 4. **Rights of covered program participants.** No provision of any agreement reached between the state and any exclusive representative of individual providers, nor any arbitration award, shall interfere with the rights of participants or participants' representatives to select, hire, direct, supervise, and terminate the employment of their individual providers; to manage an individual service budget regarding the amounts and types of authorized goods or services received; or to receive direct support services from individual providers not referred to them through a state registry.

Subd. 5. **Legislative action on agreements.** Any agreement reached between the state and the exclusive representative of individual providers under chapter 179A shall be submitted to the legislature to be accepted or rejected in accordance with sections 179A.22 and 3.855.

Subd. 6. **Strikes prohibited.** Individual providers shall be subject to the prohibition on strikes applied to essential employees under section 179A.18.

Subd. 7. **Interest arbitration.** Individual providers shall be subject to the interest arbitration procedures applied to essential employees under section 179A.16.

Subd. 8. **Appropriate unit.** The only appropriate unit for individual providers shall be a statewide unit of all individual providers. The unit shall be treated as an appropriate unit under section 179A.10, subdivision 2. Individual providers who are related to their participant or their participant's representative shall not for such reason be excluded from the appropriate unit.

Subd. 9. **List access.** Beginning July 1, 2013, upon a showing made to the commissioner of the Bureau of Mediation Services by any employee organization wishing to represent the appropriate unit of individual providers that at least 500 individual providers support such representation, the

commissioner of human services shall provide to such organization within seven days the most recent list of individual providers compiled under section 256B.0711, subdivision 11, paragraph (g), and subsequent monthly lists upon request for an additional three months.

Subd. 10. **Representation and election.** Beginning August 1, 2013, any employee organization wishing to represent the appropriate unit of individual providers may seek exclusive representative status pursuant to section 179A.12. Representation elections for individual providers shall be conducted by mail ballot, and such election shall be conducted upon an appropriate petition stating that at least 30 percent of the unit wishes to be represented by the petitioner. The individual providers eligible to vote in any such election shall be those individual providers on the monthly list of individual providers compiled under section 256B.0711, subdivision 11, paragraph (g), most recently preceding the filing of the election petition. Except as otherwise provided, elections under this section shall be conducted in accordance with section 179A.12.

Subd. 11. **Exemption; federal law.** In affording individual providers the right to engage in collective action, select a representative, and jointly engage in discussions with the state under the terms of this section, the state intends that the "state action" exemption from federal antitrust laws be fully available to the state, based on the state's active supervision of individual providers to improve the quality, accessibility, and affordability of direct support services in the state.

Sec. 2. **[256B.0711] QUALITY SELF-DIRECTED SERVICES WORKFORCE.**

Subdivision 1. **Definitions.** For purposes of this section:

(a) "Commissioner" means the commissioner of human services unless otherwise indicated.

(b) "Covered program" means a program to provide direct support services funded in whole or in part by the state of Minnesota, including the Community First Services and Supports program; Consumer Directed Community Supports services and extended state plan personal care assistance services available under programs established pursuant to home and community-based service waivers authorized under section 1915(c) of the Social Security Act, including, but not limited to, sections 256B.0915 and 256B.49, and under the alternative care program, as offered pursuant to section 256B.0913, as modified by subdivision 9 of this section; the personal care assistance choice program, as established pursuant to section 256B.0659, subdivisions 18 to 20, and as modified by this section; and any similar program that may provide such services.

(c) "Direct support services" means personal care assistance services covered by medical assistance under section 256B.0625, subdivisions 19a and 19c; assistance with activities of daily living as defined in section 256B.0659, subdivision 1, paragraph (b), and instrumental activities of daily living as defined in section 256B.0659, subdivision 1, paragraph (i); and other similar, in-home, nonprofessional long-term services and supports provided to an elderly person or person with a disability to meet such person's daily living needs and ensure that such person may adequately function in his or her home and have safe access to the community.

(d) "Individual provider" means an individual selected by and working under the direction of a participant in a covered program, or a participant's representative, to provide direct support services to the participant, and does not include an individual from an employee workforce assembled, directed, and controlled by a provider agency.

(e) "Participant" means a person who receives direct support services through a covered program.

(f) "Participant's representative" means a participant's legal guardian or an individual having the authority and responsibility to act on behalf of a participant with respect to the provision of direct support services through a covered program.

Subd. 2. **Quality Self-Directed Services Workforce Council established.** There is established the Quality Self-Directed Services Workforce Council to ensure the quality and availability of individual providers to be selected by and work under the direction of participants to provide direct support services.

Subd. 3. **Membership.** The council shall have 11 members and shall be composed of the commissioner of human services, who shall serve as chair, and the following members, who shall be appointed by the governor:

(1) six current or former recipients of direct support services;

(2) one legal guardian or legal representative of a current or former recipient of direct support services; and

(3) one member of the State Council on Disability, under section 256.482, one member of the Governor's Council on Developmental Disabilities, and one member of the Minnesota Board on Aging, under section 256.975.

Subd. 4. **Appointments; membership terms; compensation; removal; vacancies.** All appointments to the council and filling of vacancies shall be made as provided in section 15.0597. Membership terms, compensation, and removal of members are as provided in section 15.059.

Subd. 5. **Quorum.** A majority of the members appointed and serving shall constitute a quorum for the transaction of any business.

Subd. 6. **Initial appointments.** The governor shall make all initial appointments to the council by July 1, 2013. The governor shall designate five members whose terms will expire on the first Monday in January 2017, and five members whose terms will expire on the first Monday in January 2019.

Subd. 7. **First meeting.** The commissioner shall convene the first meeting by September 1, 2013.

Subd. 8. **Duties of council.** The council, in consultation with the commissioner, has the following ongoing advisory duties and responsibilities relating to ensuring the quality, stability, and availability of the individual provider workforce:

(1) assess the size, quality, and stability of the individual provider workforce in Minnesota and the ability of the existing workforce to meet the growing and changing needs of both elderly participants and participants with disabilities;

(2) assess and propose strategies to identify, recruit, and retain prospective individual providers to be available for employment by participants or participants' representatives;

(3) advise the commissioner regarding the development of orientation programs, training and educational opportunities, and the maintenance of one or more public registries as described in subdivision 11;

(4) advise the commissioner and other relevant state agencies in assessing existing mechanisms for preventing abuse and neglect of participants and recommending improvements to those protections;

(5) advise the commissioner in determining standards for compensation, including benefits, and other conditions of employment for individual providers sufficient to attract and maintain a qualified workforce; and

(6) otherwise advise and advocate regarding appropriate means of expanding access to quality, self-directed direct support services.

Subd. 9. **Operation of covered programs.** All covered programs shall operate consistent with this section, including by providing such services through individual providers as defined in subdivision 1, paragraph (d), notwithstanding any inconsistent provisions of section 256B.0659 or section 256B.04, subdivision 16.

Subd. 10. **Use of employee workforce.** This requirement shall not restrict the state's ability to offer to those participants who choose not to self-direct a direct support worker or are unable to do so the alternative of receiving similar services from the employee workforce assembled, directed, and controlled by a provider agency.

Subd. 11. **Duties of the Department of Human Services.** (a) The commissioner shall afford to all participants within a covered program the option of employing an individual provider to provide direct support services.

(b) The commissioner shall ensure that all employment of individual providers is in conformity with this section.

(c) The commissioner shall, in consultation with the council:

(1) establish compensation rates, payment terms and practices, and any benefit terms for all individual providers;

(2) provide for required orientation programs for all newly hired individual providers regarding their employment within the covered programs through which they provide services;

(3) provide for relevant training and educational opportunities for individual providers, as well as for participants and participants' representatives who receive services from individual providers, including opportunities for individual providers to obtain certification documenting additional training and experience in areas of specialization;

(4) provide for the maintenance of one or more public registries to:

(i) provide routine, emergency, and respite referrals of qualified individual providers to participants and participants' representatives;

(ii) enable participants and participants' representatives to gain improved access to, and choice among, prospective individual providers, including by having access to information about individual providers' training, educational background, work experience, and availability for hire; and

(iii) provide for appropriate employment opportunities for individual providers and a means by which they may more easily remain available to provide services to participants within covered programs; and

(5) establish other appropriate terms and conditions of employment governing the workforce of individual providers.

(d) The commissioner shall ensure that appropriate background checks are performed on all individual providers included on any registry as described in paragraph (c), clause (4).

(e) The commissioner's authority over terms and conditions of individual providers' employment, including compensation, payment, and benefit terms, employment opportunities within covered programs, individual provider orientation, training, and education opportunities, and the operation of public registries shall be subject to the state's obligations to meet and negotiate under chapter 179A, as modified and made applicable to individual providers under section 179A.54, and to agreements with any exclusive representative of individual providers, as authorized by chapter 179A, as modified and made applicable to individual providers under section 179A.54.

(f) The commissioner shall cooperate in the implementation of this act with the commissioner of management and budget in the same manner as would be required of an appointing authority under section 179A.22 with respect to any negotiations between the executive branch of the state and the exclusive representative of individual providers, as authorized under sections 179A.22 and 179A.54. Any entity, including financial management entities, contracting with the state to provide support to participants or participants' representatives with regard to the employment of individual providers, shall assist and cooperate with the council and commissioner of human services in the operations of this section, including with respect to the commissioner's compiling and maintaining the list of individual providers required under paragraph (g).

(g) The commissioner shall, not later than July 1, 2013, and then monthly thereafter, compile and maintain a list of the names and addresses of all individual providers who have been paid for providing direct support services to participants within the previous six months. The list shall not include the name of any participant, or indicate that an individual provider is a relative of a participant or has the same address as a participant. The commissioner shall share the lists with the Quality Self-Directed Services Workforce Council and with others as needed for the state to meet its obligations under chapter 179A as modified and made applicable to individual providers under section 179A.54, and to facilitate the representational processes under section 179A.54, subdivisions 9 and 10.

(h) The commissioner shall immediately commence all necessary steps to ensure that services offered under all covered programs are offered in conformity with this section to complete any required modifications to currently operating covered programs by September 1, 2013.

Sec. 3. SEVERABILITY.

Should any part of this act be declared invalid or unenforceable, or the enforcement or compliance with it is suspended, restrained, or barred, either by the state or by the final judgment of a court of competent jurisdiction, the remainder of this act shall remain in full force and effect.

Sec. 4. EFFECTIVE DATE.

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing collective bargaining for home and community-based long-term care services; establishing the Self-Directed Service Workforce Council;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Health, Human Services and Housing. Amendments adopted. Report adopted.

Senator Pappas from the Committee on State and Local Government, to which was re-referred

S.F. No. 786: A bill for an act relating to environment; allowing the creation of a joint powers board related to silica sand mining in southeastern Minnesota; providing for silica sand extraction taxing authority; allowing an extension or renewal of interim ordinances for new permits for silica sand mining and facilities; requiring a generic environmental impact statement report; modifying environmental review; providing criminal penalties; appropriating money; amending Minnesota Statutes 2012, section 93.25, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 298; proposing coding for new law as Minnesota Statutes, chapter 116Y.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 93.25, subdivision 1, is amended to read:

Subdivision 1. **Leases.** The commissioner may issue leases to prospect for, mine, and remove minerals other than iron ore upon any lands owned by the state, including trust fund lands, lands forfeited for nonpayment of taxes whether held in trust or otherwise, and lands otherwise acquired, and the beds of any waters belonging to the state. For purposes of this section, iron ore means iron-bearing material where the primary product is iron metal. The commissioner shall not issue or grant any new leases to prospect for, mine, or remove silica sand from any lands owned by the state, including, but not limited to, school trust lands, tax-forfeited lands, acquired lands, and the beds of navigable waters.

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

Sec. 2. **[116Y.01] APPLICABILITY.**

This chapter applies to the following units of local government:

(1) the counties of Blue Earth, Chisago, Dakota, Dodge, Fillmore, Goodhue, Houston, LeSueur, Nicollet, Olmsted, Rice, Scott, Wabasha, Washington, and Winona;

(2) the largest home rule charter or statutory city in each county listed in clause (1); and

(3) a city or town in a county listed in clause (1) that has a pending or approved permit for silica sand mining or processing, or for a transfer facility as of March 1, 2013.

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

Sec. 3. **[116Y.02] DEFINITIONS.**

The definitions in this section apply to this chapter.

(a) "Board" means the Southeastern Minnesota Silica Sand Board.

(b) "Extraction site" means a pit, quarry, or deposit containing silica sand and any contiguous property to the pit, quarry, or deposit that is used by the operator for stockpiling the silica sand.

(c) "Local unit of government" means a county, statutory or home rule charter city, or town that is within the counties listed in section 116Y.01, clause (1).

(d) "Operator" means any person engaged in the business of removing silica sand from the surface or subsurface of the soil, for the purpose of sale, either directly or indirectly, through the use of the sand in a marketable product or service.

(e) "Silica sand" means naturally occurring high quartz level sand used, among several industrial uses, as a proppant for the hydraulic fracturing of shale for oil and gas production. The term silica sand includes raw, washed, or otherwise processed silica sand. Silica sand does not include common rock, stone, aggregate, gravel, and sand with a low quartz level.

(f) "Silica sand mining" means the excavation and mining of silica sand by any process, including digging, excavating, mining, drilling, blasting, tunneling, dredging, stripping, or shafting.

(g) "Silica sand processing" means the washing, cleaning, screening, crushing, filtering, sorting, processing, stockpiling, and storing of silica sand, either at the mining site or at any other site.

(h) "Silica sand transporting" means the hauling and transporting of silica sand, by any carrier: (1) from the mining site to a processing or transfer site; or (2) from a processing or storage site to a rail, barge, or transfer site for transporting to destinations.

(i) "Transfer facility" means a facility for transporting silica sand by rail, barge, or other means of transportation to destinations.

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

Sec. 4. [116Y.03] SOUTHEASTERN MINNESOTA SILICA SAND BOARD.

Subdivision 1. **Establishment.** (a) The Southeastern Minnesota Silica Sand Board may be established by the local units of government listed in section 116Y.01, pursuant to section 471.59, and is established as a permanent board with authority to develop a model ordinance designed to protect and enhance southeastern Minnesota from the negative effects of silica sand mining, transportation, and processing.

(b) The chair of the Environmental Quality Board shall assist interested local units of governments listed in section 116Y.01, in creating a joint powers agreement, as required by section 471.59. The chair of the Environmental Quality Board shall contact all local units of government listed in section 116Y.01, by July 1, 2013, to determine if the local unit of government is interested in joining the board. By September 1, 2013, the chair of the Environmental Quality Board must convene a meeting of interested local units of government to begin drafting the joint powers agreement.

Subd. 2. **Membership.** (a) The county board of each participating county shall appoint one of its members to serve on the board. The city council of the largest home rule charter or statutory city that is participating in the board shall appoint one of its members to serve on the board. The city council or town board of a city or town with a pending or approved permit for silica sand mining or processing as of March 1, 2013, may appoint one of its members to serve on the board.

(b) The governing body making an appointment pursuant to this section may designate another member of the governing body or a county, city, or town officer to act as an alternate for the member appointed by that governing body.

(c) Members of the technical advisory team, created in section 116Y.035, shall be ex officio, nonvoting members of the board. These members shall serve without term limit and serve at the pleasure of the appointing entity.

Subd. 3. **Officers.** (a) The board shall annually appoint from among its members a chair, vice-chair, and secretary-treasurer who shall serve for concurrent one-year terms.

(b) The chair shall preside over all meetings of the board.

(c) The vice-chair shall preside over the meetings of the board in the absence of the chair.

(d) The secretary-treasurer or the designee of the secretary-treasurer shall keep a record of all proceedings of the board. The secretary-treasurer shall provide for the proper receipt and disbursement of funds.

Subd. 4. **Terms; vacancies.** (a) The terms of board members are two years, starting on March 1 of each odd-numbered year. Members appointed to the board to start a term on any other date shall serve until March 1 of the next odd-numbered year.

(b) Vacancies on the board shall be filled for the remainder of the term and shall be appointed by the governing body that made the original appointment. A vacancy occurs when a member no longer serves on the governing body that appointed the member.

Subd. 5. **Meeting law quorum.** (a) Meetings of the board and advisory committees created by the board are subject to chapter 13D.

(b) A majority of all members of the board shall constitute a quorum and a majority vote of all members shall be required for actions taken by the board.

Subd. 6. **Staff and contracts.** The board may employ staff and contract for goods and services as necessary to implement this chapter. Contracts are subject to the statutory procedures and restrictions applicable to local unit of government contracts.

Subd. 7. **Funding.** The board shall annually submit to each member county for the county's approval an estimate of the funds the board will need from that county in the next fiscal year to prepare the model ordinance under section 116Y.04 and otherwise carry out the duties imposed upon it by this chapter. Each member county shall furnish the necessary funds to the board. The board may apply for, receive, and disburse federal, state, and other grants and donations.

Subd. 8. **Committees.** (a) The board shall appoint an advisory committee, to advise the board on matters related to preparation of the model ordinance. The membership of the advisory committee must represent a broad geographical area and diverse public interests, including equal representation from concerned citizens, local units of government, and the sand mining industry.

(b) The board may establish other committees or subcommittees as necessary to assist the board in understanding and addressing region-specific issues.

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

Sec. 5. **[116Y.035] TECHNICAL ADVISORY TEAM.**

(a) The board shall initiate and maintain contacts with governmental agencies as necessary to properly prepare the model ordinance under section 116Y.04 and may negotiate cooperative management agreements. The board shall establish a technical advisory team with appropriate state agency staff from the Departments of Natural Resources, Health, and Transportation, and the Pollution Control Agency. The team shall advise the board on developing the model ordinance described in section 116Y.04.

(b) The technical advisory team shall serve as a resource to all local units of government in counties listed in section 116Y.01, clause (1), regardless of whether the local unit of government is a member of the board.

(c) Once established, the technical advisory team shall continue to serve as a resource as provided in paragraph (b), even if the board is terminated. In the event that the board is dissolved, members of the team shall agree on policies and procedures to continue its service.

Sec. 6. **[116Y.04] MODEL ORDINANCE DEVELOPMENT AND ADOPTION.**

Subdivision 1. **Development and adoption.** The model ordinance shall be developed by the board as provided in this section. The board may develop more than one model ordinance to address geographic region-specific issues. If more than one model ordinance is developed based on geographic region, the board must specify which ordinance applies to each area. For purposes of this chapter, references to the model ordinance shall refer to the model ordinance developed for the specific geographic region.

Subd. 2. **Model ordinance provides minimum standards.** The standards set forth in the model ordinance are the minimum standards that may be adopted by the board and by the local units of government for the protection and enhancement of the natural, scientific, historical, recreational, and cultural resources from silica sand mining in southeastern Minnesota. Silica sand mining, processing, and transport facilities permitted by a local unit of government that adopts the model ordinance after the effective date of this section must be in conformance with the model ordinance. Local units of government may adopt ordinances that include the minimum standards in the model ordinance. Local units of government may enact ordinances that are stricter than the minimum standard.

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

Sec. 7. **[116Y.05] RESPONSIBILITIES OF STATE AGENCIES.**

Within jurisdictions that have adopted a model ordinance pursuant to section 116Y.04, land owned by the state and political subdivisions is subject to the ordinance.

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

Sec. 8. **GENERIC ENVIRONMENTAL IMPACT STATEMENT; SILICA SAND MINING, TRANSPORTING, AND FACILITIES.**

Subdivision 1. **Generic environmental impact statement required.** By May 1, 2014, the Environmental Quality Board shall complete a generic environmental impact statement on silica sand mining, transporting, and related facilities. Except as provided in subdivision 2, the generic

environmental impact statement shall be conducted under rules of the Environmental Quality Board.

Subd. 2. **Scoping.** (a) Notwithstanding the environmental review rules of the Environmental Quality Board, the scope of the generic environmental impact statement required in subdivision 1 shall be the impact of silica sand mining, transporting, processing, and transfer facilities on:

(1) water resources, including but not limited to surface water and groundwater quantity and quality;

(2) other natural resources, including but not limited to protected forest lands, rivers, streams, and fish hatcheries and habitat;

(3) air quality from air particulate and other emissions;

(4) existing agricultural, recreational, tourist, and other existing businesses; and

(5) state and local roads and bridges.

(b) In addition to the items listed under paragraph (a), the generic environmental impact statement shall address:

(1) guidance for local units of government in addressing phased and connected actions, as defined in rules of the Environmental Quality Board, for silica sand mining, processing, and transfer facilities; and

(2) necessary law and rule changes to address the issues identified in paragraph (a).

By March 1, 2015, state agencies shall adopt the rule changes identified in clause (2).

(c) By June 1, 2013, the Environmental Quality Board shall select the agencies and consultants for the preparation of the generic environmental impact statement.

Subd. 3. **State and local permits.** All state and local permits issued after the effective date of this section shall be modified to be consistent with or more restrictive than the conclusions of the generic environmental impact statement.

Subd. 4. **Moratorium.** Until March 1, 2014, the state, a local unit of government, or political subdivision of the state shall not permit a new or expanded silica sand mining, processing, or transfer facility as defined in Minnesota Statutes, section 116Y.02. The purpose of the moratorium is to provide sufficient time for the designated state agencies to study and determine the impacts of silica sand mining, processing, and transportation, and to adopt the necessary law and rule changes in subdivision 2, paragraph (b), clause (2).

EFFECTIVE DATE. This section is effective the day following final enactment, and subdivision 4 applies retroactively to applications received on March 1, 2013, and thereafter.

Sec. 9. **INTERIM ORDINANCE EXTENSION OR RENEWAL.**

Notwithstanding Minnesota Statutes, sections 394.34 and 462.355, subdivision 4, until March 1, 2015, a local unit of government may extend interim ordinances or renew an expired ordinance prohibiting new or expanded silica sand mining, processing, or transfer facilities, as defined in Minnesota Statutes, section 116Y.02.

EFFECTIVE DATE. This section is effective retroactively to March 1, 2013.

Sec. 10. TEMPORARY ENVIRONMENTAL REVIEW REQUIREMENT; SILICA SAND.

Until March 1, 2015, the Environmental Quality Board may reject the decision of a responsible governmental unit and require further deliberation when a decision on the need for an environmental impact statement under Minnesota Statutes, section 116D.04, subdivision 2a, paragraph (b), related to silica sand mining or processing does not follow requirements in the rules of the board. The board must make its decision and findings under this section within 30 days after the end of the comment period.

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

Sec. 11. ENVIRONMENTAL REVIEW RULES.

By August 1, 2013, the Environmental Quality Board shall amend its rules for environmental review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to take into account the increased activity in the state and concerns over the size of specific operations. The board may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (1).

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

Sec. 12. APPROPRIATION; GEIS ON SILICA SAND MINING, TRANSPORTING, AND FACILITIES.

\$..... is appropriated in fiscal year 2013 from the general fund to the Pollution Control Agency for the Environmental Quality Board to conduct the generic environmental impact statement required under section 8. This is a onetime appropriation.

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

Delete the title and insert:

"A bill for an act relating to environment; allowing the creation of a joint powers board related to silica sand mining in southeastern Minnesota; allowing an extension or renewal of interim ordinances for new permits for silica sand mining and facilities; requiring a generic environmental impact statement report; modifying environmental review; appropriating money; amending Minnesota Statutes 2012, section 93.25, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 116Y."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Skoe from the Committee on Taxes, to which was referred

S.F. No. 177: A bill for an act relating to education finance; increasing equalization aid levels for the operating referendum and debt service equalization aid programs; amending Minnesota Statutes 2012, sections 123B.53, subdivision 5; 126C.01, by adding subdivisions; 126C.17, subdivision 6.

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

Page 2, line 1, delete "\$15,244" and insert "\$7,622"

Page 2, after line 19, insert:

"Sec. 4. Minnesota Statutes 2012, section 126C.10, subdivision 1, is amended to read:

Subdivision 1. **General education revenue.** The general education revenue for each district equals the sum of the district's basic revenue, extended time revenue, gifted and talented revenue, small schools revenue, basic skills revenue, training and experience revenue, secondary sparsity revenue, elementary sparsity revenue, transportation sparsity revenue, total operating capital revenue, education advancement revenue, equity revenue, alternative teacher compensation revenue, and transition revenue.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2015 and later.

Sec. 5. Minnesota Statutes 2012, section 126C.10, is amended by adding a subdivision to read:

Subd. 37. **Education advancement revenue.** The education advancement revenue for each district equals the advancement allowance times the resident marginal cost pupil units for the school year. The advancement allowance for fiscal year 2015 and later years is \$300.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2015 and later.

Sec. 6. Minnesota Statutes 2012, section 126C.10, is amended by adding a subdivision to read:

Subd. 39. **Education advancement levy.** To obtain education advancement revenue, a district may levy an amount not more than the product of its education advancement revenue for the fiscal year times the lesser of one or the ratio of its referendum market value per resident marginal cost pupil unit to the education advancement revenue equalizing factor. The education advancement revenue equalizing factor equals \$868,513. If a district adopts a board resolution to levy less than the permitted levy, the district's education advancement aid shall be reduced proportionately.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2015 and later.

Sec. 7. Minnesota Statutes 2012, section 126C.10, is amended by adding a subdivision to read:

Subd. 40. **Education advancement aid.** For fiscal year 2015 and later, a school district's education advancement aid is the product of: (1) the difference between the district's education advancement revenue and the education advancement levy; times (2) the ratio of the actual amount levied to the permitted levy.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2015 and later.

Sec. 8. Minnesota Statutes 2012, section 126C.13, subdivision 4, is amended to read:

Subd. 4. **General education aid.** (a) For fiscal years ~~2007~~ 2013 and later 2014, a district's general education aid is the sum of the following amounts:

(1) general education revenue, excluding equity revenue, total operating capital revenue, alternative teacher compensation revenue, and transition revenue;

(2) operating capital aid under section 126C.10, subdivision 13b;

(3) equity aid under section 126C.10, subdivision 30;

(4) alternative teacher compensation aid under section 126C.10, subdivision 36;

(5) transition aid under section 126C.10, subdivision 33;

- (6) shared time aid under section 126C.01, subdivision 7;
- (7) referendum aid under section 126C.17, subdivisions 7 and 7a; and
- (8) online learning aid according to section 124D.096.

(b) For fiscal year 2015 and later, a district's general education aid is the sum of the following amounts:

(1) general education revenue, excluding equity revenue, total operating capital revenue, alternative teacher compensation revenue, education advancement revenue, and transition revenue;

- (2) operating capital aid under section 126C.10, subdivision 13b;
- (3) equity aid under section 126C.10, subdivision 30;
- (4) alternative teacher compensation aid under section 126C.10, subdivision 36;
- (5) education advancement aid under section 126C.10, subdivision 41;
- (6) transition aid under section 126C.10, subdivision 33;
- (7) shared time aid under section 126C.01, subdivision 7;
- (8) referendum aid under section 126C.17, subdivisions 7 and 7a; and
- (9) online learning aid according to section 124D.096.

Sec. 9. Minnesota Statutes 2012, section 126C.17, subdivision 1, is amended to read:

Subdivision 1. **Referendum allowance.** (a) For fiscal year 2003 and later, a district's initial referendum revenue allowance equals the sum of the allowance under section 126C.16, subdivision 2, plus any additional allowance per resident marginal cost pupil unit authorized under subdivision 9 before May 1, 2001, for fiscal year 2002 and later, plus the referendum conversion allowance approved under subdivision 13, minus \$415. For districts with more than one referendum authority, the reduction must be computed separately for each authority. The reduction must be applied first to the referendum conversion allowance and next to the authority with the earliest expiration date. A district's initial referendum revenue allowance may not be less than zero.

~~(b) For fiscal year 2003, a district's referendum revenue allowance equals the initial referendum allowance plus any additional allowance per resident marginal cost pupil unit authorized under subdivision 9 between April 30, 2001, and December 30, 2001, for fiscal year 2003 and later.~~

~~(c) (b) For fiscal year 2004 and later years 2013 and 2014, a district's referendum revenue allowance equals the sum of:~~

~~(1) the product of (i) the ratio of the resident marginal cost pupil units the district would have counted for fiscal year 2004 under Minnesota Statutes 2002, section 126C.05, to the district's resident marginal cost pupil units for fiscal year 2004, times (ii) the initial referendum allowance plus any additional allowance per resident marginal cost pupil unit authorized under subdivision 9 between April 30, 2001, and May 30, 2003, for fiscal year 2003 and later, plus~~

~~(2) any additional allowance per resident marginal cost pupil unit authorized under subdivision 9 after May 30, 2003, for fiscal year 2005 and later.~~

(c) For fiscal year 2015 and later, a district's referendum revenue allowance equals the total of:

(1) the product of (i) the ratio of the resident marginal cost pupil units the district would have counted for fiscal year 2004 under Minnesota Statutes 2002, section 126C.05, to the district's resident marginal cost pupil units for fiscal year 2004, times (ii) the initial referendum allowance plus any additional allowance per resident marginal cost pupil unit authorized under subdivision 9 between April 30, 2001, and May 30, 2003, for fiscal year 2003 and later, plus

(2) any additional allowance per resident marginal cost pupil unit authorized under subdivision 9 after May 30, 2003, for fiscal year 2005 and later, minus

(3) \$300.

A district's referendum revenue allowance may not be less than zero.

Sec. 10. Minnesota Statutes 2012, section 126C.17, subdivision 2, is amended to read:

Subd. 2. **Referendum allowance limit.** (a) Notwithstanding subdivision 1, for fiscal year ~~2007 and later~~ years 2013 and 2014, a district's referendum allowance must not exceed the greater of:

(1) the sum of: (i) a district's referendum allowance for fiscal year 1994 times 1.177 times the annual inflationary increase as calculated under paragraph ~~(b)~~ (c) plus (ii) its referendum conversion allowance for fiscal year 2003, minus (iii) \$215;

(2) the greater of (i): 26 percent of the formula allowance or (ii) \$1,294 times the annual inflationary increase as calculated under paragraph ~~(b)~~ (c); or

(3) for a newly reorganized district created after July 1, 2006, the referendum revenue authority for each reorganizing district in the year preceding reorganization divided by its resident marginal cost pupil units for the year preceding reorganization.

(b) Notwithstanding subdivision 1, for fiscal year 2015 and later, a district's referendum allowance must not exceed the greater of:

(1) the sum of: (i) a district's referendum allowance for fiscal year 1994 times 1.177 times the annual inflationary increase as calculated under paragraph (c) plus (ii) its referendum conversion allowance for fiscal year 2003, minus (iii) \$515;

(2) the greater of: (i) 26 percent of the formula allowance minus \$300 or (ii) \$1,294 times the annual inflationary increase as calculated under paragraph (c), minus \$300; or

(3) for a newly reorganized district created after July 1, 2006, the referendum revenue authority for each reorganizing district in the year preceding reorganization divided by its resident marginal cost pupil units for the year preceding reorganization.

~~(b)~~ (c) For purposes of this subdivision, for fiscal year 2005 and later, "inflationary increase" means one plus the percentage change in the Consumer Price Index for urban consumers, as prepared by the United States Bureau of Labor Standards, for the current fiscal year to fiscal year 2004. For fiscal years 2009 and later, for purposes of paragraph (a), clause (1), and paragraph (b), clause (1), the inflationary increase equals the inflationary increase for fiscal year 2008 plus one-fourth of the percentage increase in the formula allowance for that year compared with the formula allowance for fiscal year 2008."

Page 3, after line 4, insert:

"Sec. 12. **DIRECTION TO THE COMMISSIONER.**

In computing the reduction to a school district's referendum allowance, the commissioner of education must first reduce a district's referendum allowance with the earliest expiration date and then, if necessary, reduce to additional referendum authority allowances based on the next earliest expiration date.

Sec. 13. **OPERATING REFERENDUM FREEZE, FISCAL YEAR 2015.**

Notwithstanding Minnesota Statutes, section 126C.17, subdivision 9, a school district may not authorize an increase to its operating referendum in fiscal year 2015. A school district may reauthorize an operating referendum that is expiring in fiscal year 2015. If a school district asks the voters to reauthorize operating referendum authority that is expiring in fiscal year 2015, it may request a reauthorization of that expiring authority minus \$300."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "creating education advancement revenue; appropriating money;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Skoe from the Committee on Taxes, to which was referred

S.F. No. 569: A bill for an act relating to education; providing property tax relief; increasing and indexing equalization levies; amending Minnesota Statutes 2012, sections 123B.53, subdivision 5; 126C.10, subdivisions 29, 32; 126C.17, subdivision 6, by adding a subdivision.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2012, section 123B.53, subdivision 4, is amended to read:

Subd. 4. **Debt service equalization revenue.** (a) The debt service equalization revenue of a district equals the sum of the first tier debt service equalization revenue and the second tier debt service equalization revenue.

(b) The first tier debt service equalization revenue of a district equals the greater of zero or the eligible debt service revenue minus the amount raised by a levy of ~~15.74~~ ten percent times the adjusted net tax capacity of the district minus the second tier debt service equalization revenue of the district.

(c) The second tier debt service equalization revenue of a district equals the greater of zero or the eligible debt service revenue, excluding alternative facilities levies under section 123B.59, subdivision 5, minus the amount raised by a levy of 26.24 percent times the adjusted net tax capacity of the district."

Page 1, line 14, delete "150" and insert "125"

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Dibble from the Committee on Transportation and Public Safety, to which was re-referred

S.F. No. 367: A bill for an act relating to public safety; 911 telephone service; providing for collection of 911 fees from prepaid wireless telecommunications services and prepaid wireless E911 services; amending Minnesota Statutes 2012, sections 237.52, subdivision 3, by adding a subdivision; 270B.01, subdivision 8; 270B.12, subdivision 4; 403.02, subdivision 21, by adding subdivisions; 403.06, subdivision 1a; 403.11, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 403.

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

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 486: A bill for an act relating to transportation; state lands; providing for conveyance of state land to a private party.

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

Senator Dibble from the Committee on Transportation and Public Safety, to which was referred

S.F. No. 851: A bill for an act relating to public safety; traffic regulations; clarifying provisions pertaining to disability parking; amending Minnesota Statutes 2012, sections 169.34, subdivision 1; 169.346, subdivision 2, by adding a subdivision.

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

Page 1, delete section 1

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred the following appointment:

MINNESOTA HOUSING FINANCE AGENCY
Joseph B. Johnson III

Reports the same back with the recommendation that the appointment be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 486 and 851 were read the second time.

MEMBERS EXCUSED

Senators Pederson, J. and Rest were excused from the Session of today. Senator Bakk was excused from the Session of today from 3:00 to 3:20 p.m. Senator Hoffman was excused from the Session of today from 4:30 to 7:05 p.m. Senator Brown was excused from the Session of today from 6:50 to 7:05 p.m. and from 9:30 to 9:45 p.m.

ADJOURNMENT

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

JoAnne M. Zoff, Secretary of the Senate