

## NINETY-SECOND DAY

St. Paul, Minnesota, Thursday, April 20, 2006

The Senate met at 9:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

Senator Johnson, D.E. 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. Joanie Delamater.

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

Anderson	Foley	Kubly	Nienow	Scheid
Bachmann	Frederickson	Langseth	Olson	Senjem
Bakk	Gerlach	Larson	Ortman	Skoe
Belanger	Hann	LeClair	Pappas	Skoglund
Berglin	Higgins	Limmer	Pariseau	Solon
Betzold	Hottinger	Lourey	Pogemiller	Sparks
Bonoff	Johnson, D.E.	Marko	Ranum	Stumpf
Chaudhary	Johnson, D.J.	Marty	Reiter	Tomassoni
Clark	Jungbauer	McGinn	Rest	Vickerman
Cohen	Kelley	Metzen	Robling	Wergin
Day	Kierlin	Michel	Rosen	Wiger
Dibble	Kiscaden	Moua	Ruud	
Dille	Koch	Murphy	Sams	
Fischbach	Koering	Neuville	Saxhaug	

The President declared a quorum present.

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

**REPORTS FILED WITH THE SECRETARY OF THE SENATE**

The following reports were received and filed with the Secretary of the Senate: Department of Finance, Debt Capacity Report, 2006; Department of Revenue, City Fee Report, 2001-04; Pollution Control Agency, Pollution Prevention Evaluation, 2006; Department of Human Services, New Rate Setting System for Nursing Facilities, 2006; Department of Revenue, Assessment and Classification Practices, Rural Woodlands, 2006; Department of Transportation, Trunk Highway Fund Expenditures, 2004-05 Biennial Report, 2006; Department of Human Services, Maltreatment Report, 2006; Pollution Control Agency, Amended Annual Report on Obsolete, Unnecessary, or Duplicative Rules, 2006; Department of Natural Resources, Study of Annual Recreational Fuel Consumption by All-Terrain Vehicles (ATVs), Final Report, 2006; Department of Human Services, Task Force on Collaborative Services, 2006; Department of Human Services, Post Adoption Search Services: Evaluation and Best Practices, 2006; Board of Teaching, State Administration and Performance on the Basic Skills Examination for Teacher Licensure, 2001-05, 2006; Board on Judicial Standards, Annual Report, 2005; University of Minnesota, Supplemental Benefits Plan, Actuarial Valuation as of July 1, 2005, 2006; Department of Health, Complaint Investigations of

Minnesota Health Care Facilities, July 1, 2002 to June 30, 2005, 2006; Metropolitan Council, Metropolitan Livable Communities Fund, 2006; Department of Education, Advanced Placement and International Baccalaureate Programs, 2006; Minnesota Racing Commission, 2005 Annual Report, 2006; Department of Human Services, Processing Medical Assistance Applications for Residents of Long-Term Care Facilities, 2006; Minnesota State Lottery, Annual Report, 2005, 2006; Pollution Control Agency, Annual Pollution Report, 2006; Department of Education, Delivery of Special Education to Non-Public School Students by Public School Districts, 2006; Board of Teaching, State Administration and Performance on the Common Core Assessments of Knowledge and Skills, 2001-05, 2006; Pollution Control Agency, Solid Waste Policy Report, 2005, 2006; Department of Revenue, Assessment and Classification Practices Report, Agricultural Land including Land Enrolled in the Green Acres Program, 2006; Department of Labor and Industry, Log Safe, 2006.

### SECOND READING OF SENATE BILLS

S.F. No. 3781 was read the second time.

### MOTIONS AND RESOLUTIONS

**Senators Bachmann, Belanger, Reiter, Nienow and Limmer introduced –**

**Senate Resolution No. 192:** A Senate resolution recognizing May 4, 2006, as a Day of Prayer in Minnesota.

Referred to the Committee on Rules and Administration.

**Senators Jungbauer and Wergin introduced –**

**Senate Resolution No. 193:** A Senate resolution recognizing Elk River as Minnesota's Energy City.

Referred to the Committee on Rules and Administration.

### RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 10:15 a.m. The motion prevailed.

The hour of 10:15 a.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

### MOTIONS AND RESOLUTIONS - CONTINUED

### SPECIAL ORDERS

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and

Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. No. 1287, H.F. No. 3374, S.F. Nos. 3615, 2532, 3238, H.F. No. 2998, S.F. Nos. 3256, 3213, 1070, 2840, 3319 and 1040.

### SPECIAL ORDER

**S.F. No. 1287:** A bill for an act relating to real property; regulating causes of action arising out of construction defects in residential housing; providing for notice and opportunity to repair; amending Minnesota Statutes 2004, sections 60A.08, subdivision 6; 302A.781, by adding a subdivision; 322B.863, by adding a subdivision; 327A.02, by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Foley	Koering	Neuville	Sams
Bakk	Frederickson	Kubly	Nienow	Saxhaug
Belanger	Gerlach	Langseth	Olson	Scheid
Berglin	Hann	Larson	Ortman	Senjem
Betzold	Higgins	LeClair	Pappas	Skoe
Bonoff	Hottinger	Limmer	Pariseau	Skoglund
Chaudhary	Johnson, D.E.	Lourey	Pogemiller	Solon
Clark	Johnson, D.J.	Marko	Ranum	Sparks
Cohen	Jungbauer	Marty	Reiter	Stumpf
Day	Kelley	McGinn	Rest	Tomassoni
Dibble	Kierlin	Metzen	Robling	Vickerman
Dille	Kiscaden	Michel	Rosen	Wergin
Fischbach	Koch	Murphy	Ruud	Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3374:** A bill for an act relating to human services; changing a Council on Disability provision; amending Minnesota Statutes 2004, section 256.482, subdivision 8.

Senator Higgins moved that H.F. No. 3374 be re-referred to the Committee on Finance. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 3615:** A bill for an act relating to human services; modifying child care assistance parent fees; amending Minnesota Statutes 2004, section 119B.12, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Bakk	Betzold	Chaudhary	Cohen
Bachmann	Berglin	Bonoff	Clark	Day

Dibble	Jungbauer	Marko	Pariseau	Senjem
Dille	Kelley	Marty	Pogemiller	Skoe
Fischbach	Kierlin	McGinn	Ranum	Skoglund
Foley	Kiscaden	Metzen	Reiter	Solon
Frederickson	Koch	Michel	Rest	Sparks
Gerlach	Koering	Murphy	Robling	Stumpf
Hann	Kubly	Neuville	Rosen	Tomassoni
Higgins	Langseth	Nienow	Ruud	Vickerman
Hottinger	LeClair	Olson	Sams	Wergin
Johnson, D.E.	Limmer	Ortman	Saxhaug	Wiger
Johnson, D.J.	Lourey	Pappas	Scheid	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2532:** A bill for an act relating to health; removing the expiration date for radiation therapy facility construction limitations; amending Minnesota Statutes 2004, section 144.5509.

Senator Berglin moved to amend S.F. No. 2532 as follows:

Page 1, line 7, reinstate the stricken "(a)"

Page 1, line 10, reinstate the stricken language and strike "2008" and insert "2013"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2532 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 59 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kubly	Olson	Scheid
Bakk	Foley	Langseth	Ortman	Senjem
Belanger	Frederickson	Larson	Pappas	Skoe
Berglin	Higgins	Lourey	Pariseau	Skoglund
Betzold	Hottinger	Marko	Pogemiller	Solon
Bonoff	Johnson, D.E.	Marty	Ranum	Sparks
Chaudhary	Johnson, D.J.	McGinn	Rest	Stumpf
Clark	Jungbauer	Metzen	Robling	Tomassoni
Cohen	Kelley	Michel	Rosen	Vickerman
Day	Kiscaden	Murphy	Ruud	Wergin
Dibble	Koch	Neuville	Sams	Wiger
Dille	Koering	Nienow	Saxhaug	

Those who voted in the negative were:

Bachmann	Hann	LeClair	Reiter
Gerlach	Kierlin	Limmer	

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

### SPECIAL ORDER

**S.F. No. 3238:** A bill for an act relating to public safety; changing a requirement concerning combined local access surcharges; modifying requirements for 911 system service contracts; modifying reporting requirement of wireless 911 service providers; modifying provisions relating

to payments for recurring 911 system costs; modifying provisions relating to 911 system cost accounting requirements; amending Minnesota Statutes 2004, sections 237.49; 403.08, subdivision 7; 403.11, subdivisions 3b, 3c; 403.113, subdivision 3; Minnesota Statutes 2005 Supplement, sections 403.025, subdivision 7; 403.05, subdivision 3; 403.11, subdivisions 1, 3, 3a; 403.113, subdivision 1; repealing Minnesota Statutes 2004, section 403.08, subdivision 8.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Fischbach	Koch	Murphy	Ruud
Bachmann	Foley	Koering	Neuville	Sams
Bakk	Frederickson	Kubly	Nienow	Saxhaug
Belanger	Gerlach	Langseth	Olson	Scheid
Berglin	Hann	Larson	Ortman	Senjem
Betzold	Higgins	LeClair	Pappas	Skoe
Bonoff	Hottinger	Limmer	Pariseau	Skoglund
Chaudhary	Johnson, D.E.	Lourey	Pogemiller	Solon
Clark	Johnson, D.J.	Marko	Ranum	Sparks
Cohen	Jungbauer	Marty	Reiter	Stumpf
Day	Kelley	McGinn	Rest	Tomassoni
Dibble	Kierlin	Metzen	Robling	Vickerman
Dille	Kiscaden	Michel	Rosen	Wergin

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 2998:** A bill for an act relating to labor; providing that a certain provision on arbitrations for firefighters does not expire; amending Minnesota Statutes 2004, section 179A.16, subdivision 7a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hann	Lourey	Robling
Bachmann	Higgins	Marko	Rosen
Bakk	Hottinger	Marty	Ruud
Belanger	Johnson, D.E.	McGinn	Sams
Berglin	Johnson, D.J.	Metzen	Saxhaug
Betzold	Jungbauer	Michel	Scheid
Bonoff	Kelley	Neuville	Senjem
Chaudhary	Kierlin	Nienow	Skoe
Clark	Kiscaden	Olson	Skoglund
Cohen	Koch	Ortman	Solon
Day	Koering	Pappas	Sparks
Dibble	Kubly	Pariseau	Stumpf
Dille	Langseth	Pogemiller	Tomassoni
Foley	Larson	Ranum	Vickerman
Frederickson	LeClair	Reiter	Wergin
Gerlach	Limmer	Rest	Wiger

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 3256:** A bill for an act relating to liquor; prohibiting alcohol without liquid devices; proposing coding for new law in Minnesota Statutes, chapter 340A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Koch	Murphy	Sams
Bachmann	Foley	Koering	Neuville	Saxhaug
Bakk	Frederickson	Kubly	Nienow	Scheid
Belanger	Gerlach	Langseth	Olson	Senjem
Berglin	Hann	Larson	Ortman	Skoe
Betzold	Higgins	LeClair	Pappas	Skoglund
Bonoff	Hottinger	Limmer	Pogemiller	Solon
Chaudhary	Johnson, D.E.	Lourey	Ranum	Sparks
Clark	Johnson, D.J.	Marko	Reiter	Stumpf
Cohen	Jungbauer	Marty	Rest	Vickerman
Day	Kelley	McGinn	Robling	Wergin
Dibble	Kierlin	Metzen	Rosen	Wiger
Dille	Kiscaden	Michel	Ruud	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 3213:** A bill for an act relating to state lands; conveying land; removing routes from state highway system; repealing Minnesota Statutes 2004, section 161.115, subdivisions 173, 225.

Senator Murphy moved to amend S.F. No. 3213 as follows:

Page 3, after line 27, insert:

"Sec. 3. **TRUNK HIGHWAY 60 CONSTRUCTION.**

Notwithstanding Minnesota Statutes, section 161.261, or any other law, the commissioner of transportation may enter into an agreement with an adjoining state to construct a connector highway with a length not to exceed four miles, and to erect detour signs at appropriate locations, for the construction of Marked Trunk Highway 60 to include the Bigelow Bypass."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Koering moved to amend S.F. No. 3213 as follows:

Page 3, after line 27, insert:

"Sec. 3. **CONVEYANCE OF SURPLUS STATE LAND AT BRAINERD REGIONAL TREATMENT CENTER.**

(a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.287, or any other law, administrative rule, or commissioner's order to the contrary, the commissioner of administration may convey to a local unit of government for no consideration all or part of the real property at

the Brainerd Regional Treatment Center for public purposes. The conveyance must be in a form approved by the attorney general and subject to Minnesota Statutes, section 16A.695.

(b) The commissioner may require the local unit of government to reimburse the state for all or part of any campus redevelopment funded and completed by the state.

(c) Notwithstanding Minnesota Statutes, section 16C.23, the commissioner of administration may convey to one or more local units of government for no consideration all or part of the personal property determined by the commissioner of human services to be no longer needed for human services operations.

(d) If a local unit of government sells any property conveyed under this section to a private entity, the sale must be at fair market value."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3213 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 63 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Koch	Neuville	Saxhaug
Bachmann	Foley	Koering	Nienow	Scheid
Bakk	Frederickson	Kubly	Olson	Senjem
Belanger	Gerlach	Langseth	Ortman	Skoe
Berglin	Hann	LeClair	Pappas	Skoglund
Betzold	Higgins	Limmer	Pogemiller	Solon
Bonoff	Hottinger	Lourey	Ranum	Sparks
Chaudhary	Johnson, D.E.	Marko	Reiter	Stumpf
Clark	Johnson, D.J.	Marty	Rest	Tomassoni
Cohen	Jungbauer	McGinn	Robling	Vickerman
Day	Kelley	Metzen	Rosen	Wiger
Dibble	Kierlin	Michel	Ruud	
Dille	Kiscaden	Murphy	Sams	

Those who voted in the negative were:

Wergin

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

### **SPECIAL ORDER**

**S.F. No. 1070:** A bill for an act relating to traffic regulations; making seat belt violation a primary offense in all seating positions regardless of age; increasing the fine for seat belt violations; making technical changes; amending Minnesota Statutes 2004, sections 169.686, subdivision 1; 171.05, subdivision 2b; 171.055, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Langseth	Pogemiller	Skoglund
Belanger	Frederickson	Larson	Ranum	Solon
Berglin	Hann	Lourey	Rest	Sparks
Bonoff	Higgins	Marko	Robling	Vickerman
Clark	Hottinger	Marty	Rosen	Wergin
Cohen	Johnson, D.E.	McGinn	Ruud	Wiger
Day	Jungbauer	Michel	Sams	
Dibble	Kelley	Murphy	Saxhaug	
Dille	Kierlin	Neuville	Scheid	
Fischbach	Koering	Pappas	Senjem	

Those who voted in the negative were:

Bachmann	Gerlach	Kubly	Nienow	Reiter
Bakk	Johnson, D.J.	LeClair	Olson	Skoe
Betzold	Kiscaden	Limmer	Ortman	Stumpf
Chaudhary	Koch	Metzen	Pariseau	Tomassoni

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2840:** A bill for an act relating to employment; providing paid organ donation leave for certain public employees; proposing coding for new law in Minnesota Statutes, chapter 181.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Langseth	Pappas	Skoe
Bakk	Frederickson	Larson	Pariseau	Skoglund
Belanger	Gerlach	Lourey	Pogemiller	Solon
Berglin	Hann	Marko	Ranum	Sparks
Betzold	Higgins	Marty	Reiter	Stumpf
Bonoff	Hottinger	McGinn	Rest	Tomassoni
Chaudhary	Johnson, D.E.	Metzen	Robling	Vickerman
Clark	Jungbauer	Michel	Rosen	Wergin
Cohen	Kelley	Murphy	Ruud	Wiger
Day	Kierlin	Neuville	Sams	
Dibble	Kiscaden	Nienow	Saxhaug	
Dille	Koering	Olson	Scheid	
Fischbach	Kubly	Ortman	Senjem	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	Koch	LeClair	Limmer
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So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 3319:** A bill for an act relating to building officials; requiring competency criteria; proposing coding for new law in Minnesota Statutes, chapter 16B.

Senator Scheid moved to amend S.F. No. 3319 as follows:

Page 1, line 17, delete "employed" and after "inspectors" insert "newly employed after January 1, 2008,"



The motion prevailed. So the amendment was adopted.

Senator Scheid moved to amend S.F. No. 3319 as follows:

Pages 1 and 2, delete section 2

The motion prevailed. So the amendment was adopted.

S.F. No. 3319 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

Anderson	Fischbach	Koch	Neuville	Sams
Bachmann	Foley	Koering	Nienow	Saxhaug
Bakk	Frederickson	Kubly	Olson	Scheid
Belanger	Gerlach	Langseth	Ortman	Senjem
Berglin	Hann	Larson	Pappas	Skoe
Betzold	Higgins	LeClair	Pariseau	Skoglund
Bonoff	Hottinger	Limmer	Pogemiller	Solon
Chaudhary	Johnson, D.E.	Lourey	Ranum	Sparks
Clark	Johnson, D.J.	Marko	Reiter	Stumpf
Cohen	Jungbauer	Marty	Rest	Tomassoni
Day	Kelley	McGinn	Robling	Vickerman
Dibble	Kierlin	Metzen	Rosen	Wergin
Dille	Kiscaden	Michel	Ruud	Wiger

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

### SPECIAL ORDER

**S.F. No. 1040:** A bill for an act relating to civil actions; limiting liability for certain conduct of persons released from confinement; amending Minnesota Statutes 2004, section 604A.31, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Olson	Senjem
Bachmann	Frederickson	Langseth	Ortman	Skoe
Bakk	Gerlach	Larson	Pappas	Skoglund
Belanger	Hann	LeClair	Pariseau	Solon
Berglin	Higgins	Limmer	Pogemiller	Sparks
Betzold	Hottinger	Lourey	Ranum	Stumpf
Bonoff	Johnson, D.E.	Marko	Reiter	Tomassoni
Chaudhary	Johnson, D.J.	Marty	Rest	Vickerman
Clark	Jungbauer	McGinn	Robling	Wergin
Cohen	Kelley	Metzen	Rosen	Wiger
Day	Kierlin	Michel	Ruud	
Dibble	Kiscaden	Murphy	Sams	
Dille	Koch	Neuville	Saxhaug	
Fischbach	Koering	Nienow	Scheid	

So the bill passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Hann moved that S.F. No. 631 be taken from the table, and re-referred to the Committee on Rules and Administration for comparison with H.F. No. 118. The motion prevailed.

**S.F. No. 631:** A bill for an act relating to civil actions; prohibiting actions against certain persons for weight gain as a result of consuming certain foods; proposing coding for new law in Minnesota Statutes, chapter 604.

Senator Hann moved that H.F. No. 118 be taken from the table, and referred to the Committee on Rules and Administration for comparison with S.F. No. 631. The motion prevailed.

**H.F. No. 118:** A bill for an act relating to civil actions; prohibiting actions against certain persons for weight gain as a result of consuming certain foods; proposing coding for new law in Minnesota Statutes, chapter 604.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bill was read the first time.

**Senators Sams, Vickerman, Frederickson and Tomassoni introduced—**

**S.F. No. 3782:** A bill for an act relating to natural resources; imposing a cigarette fee to fund natural resources acceleration; amending Minnesota Statutes 2004, section 116P.13, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapter 116P.

Referred to the Committee on Environment and Natural Resources.

**RECESS**

Senator Johnson, D.E. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

**CALL OF THE SENATE**

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Pogemiller moved that S.F. No. 3131 be taken from the table. The motion prevailed.

**S.F. No. 3131:** A bill for an act relating to financing and operation of state and local government; making policy, technical, administrative, enforcement, collection, refund, and other changes to income, franchise, property, sales and use, mortgage and deed, health care provider, cigarette and

tobacco products, liquor, insurance premiums, aggregate removal, occupation, net proceeds, and production taxes, the property tax refund, and other taxes and tax-related provisions; providing income tax credits and subtraction; providing for taxation of foreign operating corporations; providing a refund for transit passes; modifying and authorizing sales tax exemptions; modifying and authorizing local government sales taxes; modifying the homestead market value credit; modifying certain levies; changing and providing property tax exemptions and value exclusions; modifying the state general levy; providing for aids and payments to local governments; modifying international economic development zone authority; authorizing distributions of tax proceeds; changing provisions relating to fiscal disparities and education financing; changing and imposing powers, duties, and requirements on certain local governments and authorities and state departments or agencies; providing for issuance of obligations by local governments and other public authorities, and use of the proceeds of the debt; changing tax increment financing and abatement provisions, and providing authorities to certain districts; providing for studies and reports; providing penalties; establishing accounts and providing funding; providing for allocation and transfers of funds; appropriating money; amending Minnesota Statutes 2004, sections 103E.635, subdivision 7; 116A.20, subdivision 3; 116J.993, subdivision 3; 123B.53, subdivision 5; 144F.01, subdivision 4; 162.18, subdivision 1; 162.181, subdivision 1; 216B.2424, subdivision 5; 270A.03, subdivision 2; 272.02, subdivisions 12, 45, 54, 55, by adding a subdivision; 273.032; 273.11, by adding a subdivision; 273.124, subdivision 12, by adding a subdivision; 273.13, subdivision 23; 273.1384, subdivision 2; 273.1398, subdivision 3; 281.23, subdivision 9; 289A.09, subdivision 2; 290.06, subdivision 28, by adding subdivisions; 290.10; 290.17, subdivision 1; 290.34, subdivision 1; 295.50, subdivision 4; 295.53, subdivisions 3, 4a; 297A.61, subdivisions 12, 17, by adding subdivisions; 297A.63; 297A.668, subdivision 6; 297A.669, subdivision 11; 297A.67, subdivisions 4, 5, 14, 18, 27, by adding a subdivision; 297A.68, subdivision 19, by adding a subdivision; 297A.70, subdivisions 2, 3, 4, 7, 13, 14, 15; 297A.71, subdivision 23, by adding a subdivision; 297A.99, subdivision 7; 297F.01, by adding a subdivision; 297G.01, subdivision 7, by adding a subdivision; 298.001, by adding a subdivision; 298.01, subdivisions 3a, 3b, 4a, 4b, by adding a subdivision; 298.17; 298.28, by adding a subdivision; 298.2961, by adding a subdivision; 298.75, by adding a subdivision; 365A.08; 365A.095; 373.45, subdivision 1; 383A.80, subdivision 4; 383B.80, subdivision 4; 469.035; 469.103, subdivision 2; 469.176, subdivision 3; 469.1763, subdivisions 3, 4; 469.1813, subdivisions 1, 6b, 8, 9, by adding a subdivision; 469.312, subdivision 5; 473.39, by adding a subdivision; 473F.08, by adding a subdivision; 474A.062; 477A.013, subdivision 9; 477A.014, subdivision 1; Minnesota Statutes 2005 Supplement, sections 115B.49, subdivision 4; 123B.54; 126C.10, subdivision 13a; 270C.01, subdivision 4; 270C.304; 270C.33, subdivision 4; 270C.57, subdivision 3; 270C.67, subdivision 1, by adding a subdivision; 270C.722, subdivision 2; 271.12; 272.02, subdivision 83; 273.128, subdivision 1; 273.13, subdivisions 22, 25; 273.1384, subdivision 1; 275.025, subdivisions 1, 4; 276.04, subdivision 2; 284.07; 289A.121, subdivision 5; 290.01, subdivisions 6b, 19b, 19c, 19d; 290.0922, subdivisions 2, 3; 297A.61, subdivision 3; 297A.64, subdivision 4; 297A.67, subdivision 6; 297A.68, subdivisions 37, 38, 41; 297A.70, subdivision 8; 297A.72, subdivision 2; 297A.75, subdivisions 1, 2, 3; 297A.815, subdivision 1; 298.01, subdivisions 3, 4; 298.223, subdivision 1; 298.2961, subdivision 4; 469.1763, subdivision 2; 469.178, subdivision 7; 469.1813, subdivision 6; 469.322; 469.323, subdivision 2; 469.327; 475.521, subdivision 4; 477A.011, subdivision 36; 477A.013, subdivision 8; 477A.03, subdivision 2a; Laws 1980, chapter 511, section 1, subdivision 2, as amended; Laws 1994, chapter 587, article 9, section 20, subdivisions 1, 2; Laws 1996, chapter 471, article 2, section 29; Laws 1999, chapter 243, article 4, section 18, subdivisions 1, 3, 4; Laws 2005, chapter 152, article 1, section 39, subdivision 1; Laws 2001, First Special Session chapter 5, article 3, section 8, as amended; Laws 2005, First Special Session chapter 3, article 2, section 5; article 5, sections 3; 43, subdivision 3; 44, subdivision 1; article 10, section 23; proposing coding for new law in Minnesota Statutes, chapters 41B; 270C; 273; 287; 290; 383C; 383D; 469; repealing Minnesota Statutes 2004, sections 297A.68, subdivisions 15, 18; 298.01, subdivisions 3c, 3d, 4d, 4e; Laws 1998, chapter 389, article 11, section 18; Minnesota Rules, parts 8130.0400, subpart 3; 8130.4800, subparts 1, 3, 4, 5, 6, 7, 8; 8130.5100; 8130.5400; 8130.5800, subpart 6.

#### CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on S.F. No. 3131. The Sergeant at Arms was instructed to bring in the absent members.

### RECONSIDERATION

Having voted on the prevailing side, Senator Langseth moved that the vote whereby S.F. No. 3131 failed to pass the Senate on April 19, 2006, be now reconsidered.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

Anderson	Dibble	Langseth	Ranum	Sparks
Bakk	Foley	Lourey	Rest	Stumpf
Berglin	Higgins	Marko	Sams	Tomassoni
Betzold	Hottinger	Marty	Saxhaug	Vickerman
Bonoff	Johnson, D.E.	Metzen	Scheid	Wiger
Chaudhary	Kelley	Ortman	Skoe	
Clark	Kiscaden	Pappas	Skoglund	
Cohen	Kubly	Pogemiller	Solon	

Those who voted in the negative were:

Belanger	Hann	LeClair	Olson	Senjem
Day	Johnson, D.J.	Limmer	Pariseau	Wergin
Dille	Jungbauer	McGinn	Reiter	
Fischbach	Kierlin	Michel	Robling	
Frederickson	Koch	Neuville	Rosen	
Gerlach	Larson	Nienow	Ruud	

The motion prevailed. So the vote was reconsidered.

Senator Sams moved to amend S.F. No. 3131 as follows:

Pages 69 to 71, delete sections 19 and 20

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 57 and nays 7, as follows:

Those who voted in the affirmative were:

Belanger	Gerlach	Kubly	Olson	Senjem
Berglin	Hann	Langseth	Ortman	Skoe
Betzold	Higgins	Larson	Pariseau	Solon
Bonoff	Hottinger	LeClair	Pogemiller	Sparks
Chaudhary	Johnson, D.E.	Limmer	Reiter	Stumpf
Clark	Johnson, D.J.	Lourey	Rest	Tomassoni
Cohen	Jungbauer	Marko	Robling	Vickerman
Day	Kelley	McGinn	Rosen	Wergin
Dille	Kierlin	Metzen	Ruud	Wiger
Fischbach	Kiscaden	Michel	Sams	
Foley	Koch	Neuville	Saxhaug	
Frederickson	Koering	Nienow	Scheid	

Those who voted in the negative were:

Anderson  
Bakk

Dibble  
Marty

Pappas  
Ranum

Skoglund

The motion prevailed. So the amendment was adopted.

S.F. No. 3131 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 30, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Lourey	Ranum	Sparks
Bakk	Higgins	Marko	Rest	Stumpf
Berglin	Hottinger	Marty	Sams	Tomassoni
Betzold	Johnson, D.E.	Metzen	Saxhaug	Vickerman
Chaudhary	Kelley	Moua	Scheid	Wiger
Clark	Kiscaden	Murphy	Skoe	
Cohen	Kubly	Pappas	Skoglund	
Dibble	Langseth	Pogemiller	Solon	

Those who voted in the negative were:

Bachmann	Frederickson	Koch	Michel	Reiter
Belanger	Gerlach	Koering	Neuville	Robling
Bonoff	Hann	Larson	Nienow	Rosen
Day	Johnson, D.J.	LeClair	Olson	Ruud
Dille	Jungbauer	Limmer	Ortman	Senjem
Fischbach	Kierlin	McGinn	Pariseau	Wergin

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

Senator Pogemiller moved that S.F. No. 3131 be laid on the table. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2959:

**H.F. No. 2959:** A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2004, sections 16A.11, subdivision 1; 16A.86, subdivisions 2, 4; 85.013, by adding a subdivision; 123A.44; 123A.441; 123A.442; 123A.443; 136F.98, subdivision 1; 446A.12, subdivision 1; Minnesota Statutes 2005 Supplement, sections 116.182, subdivision 2; 116J.575, subdivision 1; Laws 2000, chapter 492, article 1, section 7, subdivision 21, as amended; Laws 2002, chapter 393, section 19, subdivision 2; Laws 2005, chapter 20, article 1, sections 7, subdivisions 14, 21; 19, subdivision 6; 20, subdivisions 2, 3; 23, subdivisions 3, 12; 27; proposing coding for new law in Minnesota Statutes, chapters 16B; 85; 116J; 446A.

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

thereon.

Dorman, Hausman, Brod, McNamara and Nornes have been appointed as such committee on the part of the House.

House File No. 2959 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 20, 2006

Senator Langseth moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2959, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

### **RECESS**

Senator Johnson, D.E. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### **APPOINTMENTS**

Senator Johnson, D.E. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2959: Senators Langseth, Pappas, Skoglund, Metzen and Koering.

Senator Johnson, D.E. moved that the foregoing appointments be approved. The motion prevailed.

### **MEMBERS EXCUSED**

Senator Moua was excused from the Session of today from 9:00 a.m. to 1:40 p.m. Senator Bachmann was excused from the Session of today from 10:45 to 10:55 a.m. and from 1:00 to 1:20 p.m. Senator Larson was excused from the Session of today from 10:45 to 11:00 a.m. Senator Wiger was excused from the Session of today from 11:05 to 11:10 a.m. Senator Koering was excused from the Session of today from 1:05 to 1:15 p.m.

### **ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Monday, April 24, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

