

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

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FIFTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, April 24, 2007

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Susan Hames, CSJ.

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

Anderson	Fischbach	Larson	Ortman	Sieben
Bakk	Foley	Latz	Pappas	Skoe
Berglin	Frederickson	Limmer	Pariseau	Skogen
Betzold	Gerlach	Lourey	Pogemiller	Sparks
Bonoff	Gimse	Lynch	Prettner Solon	Tomassoni
Carlson	Hann	Marty	Rest	Torres Ray
Chaudhary	Higgins	Metzen	Robling	Vandever
Clark	Ingebrigtsen	Michel	Rosen	Vickerman
Cohen	Johnson	Moua	Rummel	Wergin
Day	Jungbauer	Murphy	Saltzman	Wiger
Dibble	Koch	Neuville	Saxhaug	
Dille	Koering	Olseen	Scheid	
Doll	Kubly	Olson, G.	Senjem	
Erickson Ropes	Langseth	Olson, M.	Sheran	

The President declared a quorum present.

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

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1098, 1069 and 1017.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 23, 2007

Mr. President:

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

**S.F. No. 2171:** A bill for an act relating to state government; making changes to health and human services programs; modifying health policy; changing licensing provisions; altering provisions for mental and chemical health; modifying child care provisions; amending children and family services provisions; changing continuing care provisions; amending MinnesotaCare; adjusting child care assistance eligibility; establishing family stabilization services; enacting federal compliance requirements; expanding medical assistance coverage; providing rate increases for certain providers; modifying fees; appropriating money for human services, health, veterans nursing homes boards, the Emergency Medical Services Regulatory Board; health care boards, the Council on Disability, the ombudsman for mental health and developmental disabilities, and the ombudsman for families; requiring reports; amending Minnesota Statutes 2006, sections 13.381, by adding a subdivision; 16A.724, subdivision 2, by adding subdivisions; 47.58, subdivision 8; 62E.02, subdivision 7; 62J.07, subdivisions 1, 3; 62J.495; 62J.692, subdivisions 1, 4, 5, 8; 62J.82; 62L.02, subdivision 11; 62Q.165, subdivisions 1, 2; 62Q.80, subdivisions 3, 4, 13, 14, by adding a subdivision; 69.021, subdivision 11; 103I.101, subdivision 6; 103I.208, subdivisions 1, 2; 103I.235, subdivision 1; 119B.011, by adding a subdivision; 119B.035, subdivision 1; 119B.05, subdivision 1; 119B.09, subdivision 1; 119B.12, by adding a subdivision; 119B.13, subdivisions 1, 7; 144.123; 144.125, subdivisions 1, 2; 144.3345; 144D.03, subdivision 1; 148.5194, by adding a subdivision; 148.6445, subdivisions 1, 2; 148C.11, subdivision 1; 149A.52, subdivision 3; 149A.97, subdivision 7; 153A.14, subdivision 4a; 153A.17; 169A.70, subdivision 4; 245.465, by adding a subdivision; 245.4874; 245.771, by adding a subdivision; 245.98, subdivision 2; 245A.035; 245A.10, subdivision 2; 245A.16, subdivisions 1, 3; 245C.02, by adding a subdivision; 245C.04, subdivision 1; 245C.05, subdivisions 1, 4, 5, 7, by adding a subdivision; 245C.08, subdivisions 1, 2; 245C.10, by adding a subdivision; 245C.11, subdivisions 1, 2; 245C.12; 245C.16, subdivision 1; 245C.17, by adding a subdivision; 245C.21, by adding a subdivision; 245C.23, subdivision 2; 246.54, subdivisions 1, 2; 252.27, subdivision 2a; 252.32, subdivision 3; 253B.185, by adding a subdivision; 254B.02, subdivision 3; 256.01, subdivision 2b, by adding subdivisions; 256.482, subdivisions 1, 8; 256.969, subdivisions 3a, 9, 27, by adding a subdivision; 256.975, subdivision 7; 256B.04, subdivision 14, by adding a subdivision; 256B.056, subdivision 10; 256B.0621, subdivision 11; 256B.0622, subdivision 2; 256B.0623, subdivision 5; 256B.0625, subdivisions 17, 18a, 20, 30, by adding subdivisions; 256B.0631, subdivisions 1, 3; 256B.0655, subdivision 8; 256B.0911, subdivisions 1a, 3a, 3b, by adding a subdivision; 256B.0913, by adding a subdivision; 256B.0915, by adding a subdivision; 256B.0943, subdivision 8; 256B.0945, subdivision 4; 256B.095; 256B.0951, subdivision 1; 256B.15, by adding a subdivision; 256B.199; 256B.431, subdivisions 2e, 41; 256B.434, subdivision 4, by adding a subdivision; 256B.437, by adding a subdivision; 256B.441, subdivisions 1, 2, 5, 6, 10, 11, 13, 14, 17, 20, 24, 30, 31, 34, 38, by adding subdivisions; 256B.49, subdivisions 11, 16; 256B.5012, by adding a subdivision; 256B.69, subdivisions 2, 4, 5g, 5h; 256B.75; 256B.76; 256B.763; 256D.03, subdivisions 3, 4; 256I.04, subdivision 3; 256I.05, by adding subdivisions; 256J.01, by adding a subdivision; 256J.02, by adding a subdivision; 256J.021; 256J.08, subdivision 65; 256J.20, subdivision 3; 256J.32, subdivision 6; 256J.425, subdivisions 3, 4; 256J.49, subdivision 13; 256J.521, subdivisions 1, 2; 256J.53, subdivision 2; 256J.55, subdivision 1; 256J.626, subdivisions 1, 2, 3, 4, 5, 6; 256L.01, subdivisions 1, 4; 256L.03, subdivisions 1, 3, 5; 256L.035; 256L.04, subdivisions 1, 1a, 7,

10; 256L.05, subdivisions 1, 1b, 2, 3a; 256L.07, subdivisions 1, 2, 3, 6; 256L.09, subdivision 4; 256L.11, subdivision 7; 256L.12, subdivision 9a; 256L.15, subdivisions 1, 2, 4; 256L.17, subdivisions 2, 3, 7; 259.20, subdivision 2; 259.29, subdivision 1; 259.41; 259.53, subdivision 2; 259.57, subdivision 2; 259.67, subdivision 4; 260C.209; 260C.212, subdivision 2; 462A.05, by adding a subdivision; 518A.56, by adding a subdivision; 609.115, subdivisions 8, 9; Laws 2005, chapter 98, article 3, section 25; Laws 2005, First Special Session chapter 4, article 9, section 3, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16C; 62J; 144; 145; 149A; 152; 156; 245; 245C; 252; 254A; 256; 256B; 256C; 256J; 256L; repealing Minnesota Statutes 2006, sections 62A.301; 62J.692, subdivision 10; 256B.0631, subdivision 4; 256B.441, subdivisions 12, 16, 21, 26, 28, 42, 45; 256J.24, subdivision 6; 256J.29; 256J.37, subdivisions 3a, 3b; 256J.626, subdivisions 7, 9; 256L.035; 256L.07, subdivision 2a; Laws 2004, chapter 288, article 6, section 27; Minnesota Rules, parts 4610.2800; 9585.0030.

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

Huntley, Thissen, Clark, Walker and Abeler.

Senate File No. 2171 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 23, 2007

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1981.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 23, 2007

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 1981:** A bill for an act relating to health; extending the expiration date for the Maternal and Child Health Advisory Task Force; amending Minnesota Statutes 2006, section 145.881, subdivision 1.

Referred to the Committee on Health, Housing and Family Security.

### REPORTS OF COMMITTEES

**Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was referred**

**S.F. No. 2199:** A bill for an act relating to energy; regulating the storage of nuclear waste at nuclear generating plants; amending Minnesota Statutes 2006, section 116C.779, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Page 2, line 7, before "facility" insert "discontinued"

Page 2, line 8, delete the new language and insert "the discontinued Prairie Island facility and \$5,250,000 for the discontinued Monticello facility"

Page 2, delete section 2 and insert:

**"Sec. 2. [216B.1637] RECOVERY OF CERTAIN LIMITED UTILITY GREENHOUSE GAS INFRASTRUCTURE COSTS.**

A public utility that owns a nuclear power plant and a public utility furnishing gas service may file for recovery of investments and expenses associated with the replacement of cast iron natural gas distribution and service lines owned by the utility and to replace breakers that contain sodium hexafluoride in order to reduce the risk of greenhouse gases being released into the atmosphere. Upon a finding that the projects are consistent with the public interest and do not impose excessive costs on customers, the commission shall provide timely recovery of the utility's investment and expenses on any approved projects through a rate adjustment mechanism similar to that provided for transmission projects under section 216B.16, subdivision 7, paragraphs (b) to (d)."

And when so amended the bill do pass.

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

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred the following appointment:**

DEPARTMENT OF NATURAL RESOURCES  
COMMISSIONER  
Mark Holsten

Reports the same back with the recommendation that the appointment be confirmed.

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred the following appointment:**

MINNESOTA POLLUTION CONTROL AGENCY  
COMMISSIONER  
Bradley M. Moore

Reports the same back with the recommendation that the appointment be confirmed.

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

**MOTIONS AND RESOLUTIONS**

Senator Berglin moved that the name of Senator Dibble be added as a co-author to S.F. No. 356. The motion prevailed.

**Senator Dibble introduced –**

**Senate Resolution No. 81:** A Senate resolution recognizing Vida Ditter for her eight years of devoted service as the neighborhood coordinator of the Bryn Mawr Neighborhood Association.

Referred to the Committee on Rules and Administration.

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 bills were read the first time.

**Senator Koering introduced–**

**S.F. No. 2257:** A bill for an act relating to health information technology; adding to the requirements of the Health Information Technology and Infrastructure Advisory Committee; amending Minnesota Statutes 2006, section 62J.495, subdivision 1.

Referred to the Committee on Health, Housing and Family Security.

**Senator Larson introduced–**

**S.F. No. 2258:** A bill for an act relating to retirement; modifying the investment related to postretirement adjustment of the Minneapolis Firefighters' Relief Association; amending Minnesota Statutes 2006, section 423C.06, subdivision 2.

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

**Senators Erickson Ropes, Pogemiller, Kubly and Skogen introduced–**

**S.F. No. 2259:** A bill for an act relating to appropriations; appropriating money for a lignocellulosic ethanol production grant.

Referred to the Committee on Finance.

**Senator Kubly introduced–**

**S.F. No. 2260:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to upgrade the electrical system of the Yellow Medicine County Agriculture and Transportation Museum.

Referred to the Committee on Finance.

**Senator Sparks introduced—**

**S.F. No. 2261:** A bill for an act relating to telecommunications; providing for uniform regulatory treatment of telecommunications services for business customers; amending Minnesota Statutes 2006, section 237.411, subdivision 3; repealing Minnesota Statutes 2006, section 237.411, subdivision 2.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senator Sparks introduced—**

**S.F. No. 2262:** A bill for an act relating to telecommunications; repealing certain obsolete rules; repealing Minnesota Rules, parts 7810.0800; 7810.1000; 7810.2700; 7810.2800; 7810.4000; 7810.4100; 7810.4300; 7810.5000; 7810.5100; 7810.5200; 7810.5300; 7810.5400; 7810.5500; 7810.5700; 7810.5800; 7810.5900; 7810.6200; 7810.6300; 7810.6400; 7810.6500; 7810.6600; 7810.6800.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**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 General Orders.

**GENERAL ORDERS**

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

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

S.F. Nos. 2174, 2226, 2203, 949, 1310, 1981 and 1822, which the committee recommends to pass.

S.F. No. 1298, which the committee recommends to pass, after the following motion:

Senator Gerlach moved to amend S.F. No. 1298 as follows:

Page 4, line 35, reinstate the stricken language

Page 5, lines 1 to 10, reinstate the stricken language

Page 5, lines 12 to 16, reinstate the stricken language

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 40, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Olson, G.	Sheran
Dille	Hann	Koering	Pariseau	Skogen
Fischbach	Ingebrigtsen	Limmer	Robling	Vanderveer
Frederickson	Johnson	Michel	Rosen	Wergin
Gerlach	Jungbauer	Neuville	Senjem	

Those who voted in the negative were:

Anderson	Cohen	Latz	Olson, M.	Scheid
Bakk	Dibble	Lourey	Pappas	Sieben
Berglin	Erickson Ropes	Lynch	Pogemiller	Skoe
Betzold	Foley	Marty	Pretner Solon	Sparks
Bonoff	Higgins	Metzen	Rest	Tomassoni
Carlson	Kubly	Moua	Rummel	Torres Ray
Chaudhary	Langseth	Murphy	Saltzman	Vickerman
Clark	Larson	Olseen	Saxhaug	Wiger

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

S.F. No. 1075, which the committee recommends to pass with the following amendment offered by Senator Pappas:

Page 4, line 16, delete "on behalf of one or"

Page 4, line 17, delete everything before the semicolon and insert "in conjunction with an international organization, the government of Sudan, the regional government of southern Sudan, or a nonprofit entity that has been evaluated and certified by an independent third party to be in substantial relationship to the company's Sudan business operations and of benefit to one or more marginalized populations of Sudan"

The motion prevailed. So the amendment was adopted.

S.F. No. 2041, which the committee recommends to pass with the following amendment offered by Senator Cohen:

Page 1, delete lines 10 and 11

The motion prevailed. So the amendment was adopted.

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

### MEMBERS EXCUSED

Senator Stumpf was excused from the Session of today. Senator Saltzman was excused from the Session of today from 11:00 a.m. to 12:25 p.m. Senators Dibble and Sieben were excused from the Session of today from 11:25 to 11:55 a.m. Senator Doll was excused from the Session of today at 11:30 a.m. Senator Ortman was excused from the Session of today at 12:20 p.m.

**ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Wednesday, April 25, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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