

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

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SIXTY-SIXTH DAY

St. Paul, Minnesota, Thursday, May 10, 2007

The Senate met at 10:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Sharon Predovich.

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.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 9, 2007

The Honorable James P. Metzen  
President of the Senate

Dear President Metzen:

I have vetoed and am returning Chapter 65, Senate File 1989, the Omnibus Higher Education

### Funding Act.

I appreciate the efforts by the conferees and committee chairs to develop a comprehensive funding proposal for higher education this session. However, as I have made clear on numerous occasions, without an agreement on the overall state budget, which includes consideration of available revenues and expenditures, it is irresponsible to sign a bill of this magnitude. This bill creates ongoing expenses of \$416 million dollars which is \$95 million dollars over my administration's budget recommendations in the 2010-2011 budget period. Committing to this level of spending in this bill will severely limit the funds available for other priorities such as K-12 education.

I also want to express my disappointment that Senate File 1989 does not include a key initiative from our budget proposal, the ACHIEVE program. This program would encourage Minnesota high school students to take rigorous courses to prepare for college by rewarding them with scholarship funds for completing such courses. Building on the success of existing academic and grant programs, the ACHIEVE program would begin to address the academic and financial access needs of a broad spectrum of students. It will also create tangible reform in our high schools by providing a direct incentive for students to adequately prepare for college. We modified our ACHIEVE proposal in response to concerns expressed by legislators throughout the process. It is doubtful that the "alternative" proposal included in this bill would have any significant impact on the state's future workforce and global competitiveness.

I am also disappointed that the Legislature included a significant number of special interest projects at particular campuses rather than providing the Board of Trustees for the Minnesota State Colleges and Universities with greater flexibility in determining the best and highest uses for the funds. I strongly believe that basing funding on progress toward meeting strategic goals will achieve greater efficiency and accountability in the use of public funds. I am also disappointed that this bill would reduce the Boards' current flexibility for competitive compensation. This limitation on Board authority should be eliminated. Finally, I do not support the creation of a new construction surcharge that would be applied broadly to all non-residential construction permits in the state as a means to fund a particular type of educational program at public postsecondary institutions.

Finally, I do not agree with the changes this bill makes to designate specific "union" and "business" positions on the Board of Trustees for the Minnesota State Colleges and Universities. The current provisions allow for wide diversity on the Board. To further engage interest groups in these important board appointments would encourage more parochial advocacy and may hinder the Board's ability to be collaborative and flexible.

Although I am pleased that this bill includes some assistance to our students who are military veterans in the form of a Minnesota GI Bill, the amount of funding for this program is only one-third of our proposal. I believe our returning veterans deserve better. I also appreciate that the Legislature dropped language proposed earlier that would have mandated that public institutions offer resident tuition rates to illegal immigrants.

I would like to finalize a higher education bill that strengthens our public systems and supports quality, choice, and access for students. However, it is essential that such a bill incorporate an affordable level of future spending commitments. We look forward to working with you in the coming days to reach a compromise acceptable to all.

Sincerely,  
Tim Pawlenty, Governor

66TH DAY]

THURSDAY, MAY 10, 2007

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Senator Pogemiller moved that S.F. No. 1989 and the veto message thereon be laid on the table. The motion prevailed.

May 9, 2007

The Honorable James P. Metzen  
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 124 and 646.

Sincerely,  
Tim Pawlenty, Governor

May 9, 2007

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2007 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2007	Date Filed 2007
	272	51	1:02 p.m. May 9	May 9
124		52	1:05 p.m. May 9	May 9
646		53	1:06 p.m. May 9	May 9

Sincerely,  
Mark Ritchie  
Secretary of State

#### 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. 322, 744, 1464, 1705, 1902, 2030, 2161, 585, 988 and 1557.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 9, 2007

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 538:** A bill for an act relating to state government; establishing a heating and cooling policy for building projects funded with state appropriations; proposing coding for new law in Minnesota Statutes, chapter 16B.

Senate File No. 538 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 9, 2007

### CONCURRENCE AND REPASSAGE

Senator Kubly moved that the Senate concur in the amendments by the House to S.F. No. 538 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 538 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 1165:** A bill for an act relating to the open meeting law; authorizing meetings by telephone or other electronic means under certain conditions; amending Minnesota Statutes 2006, section 13D.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13D.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 9, 2007

Senator Olseen moved that the Senate do not concur in the amendments by the House to S.F. No. 1165, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 26:** A bill for an act relating to health occupations; extending the expiration dates for the Board of Medical Practices' advisory councils; amending Minnesota Statutes 2006, sections 147A.27, subdivision 2; 147B.05, subdivision 2; 147C.35, subdivision 2; 147D.25, subdivision 2; 214.32, subdivision 1.

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

Thao; Murphy, E. and Abeler.

Senate File No. 26 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 9, 2007

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1781.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 9, 2007

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 1781:** A bill for an act relating to motor carriers; regulating insurance requirements for certain carriers; amending Minnesota Statutes 2006, section 221.141, subdivision 1e.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1688, now on General Orders.

**REPORTS OF COMMITTEES**

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

**Senator Pogemiller, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 1758** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1758	1574				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1758 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1758, the third engrossment; and insert the language after the enacting clause of S.F. No. 1574, the second engrossment; further, delete the title of H.F. No. 1758, the third engrossment; and insert the title of S.F. No. 1574, the second engrossment.

And when so amended H.F. No. 1758 will be identical to S.F. No. 1574, and further recommends that H.F. No. 1758 be given its second reading and substituted for S.F. No. 1574, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Pogemiller, from the Committee on Rules and Administration, to which was referred

**H.F. No. 116** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
116	162				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 116 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 116, the first engrossment; and insert the language after the enacting clause of S.F. No. 162, the first engrossment; further, delete the title of H.F. No. 116, the first engrossment; and insert the title of S.F. No. 162, the first engrossment.

And when so amended H.F. No. 116 will be identical to S.F. No. 162, and further recommends that H.F. No. 116 be given its second reading and substituted for S.F. No. 162, and that the Senate

File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1758 and 116 were read the second time.

## MOTIONS AND RESOLUTIONS

**Senator Vandever introduced –**

**Senate Resolution No. 93:** A Senate resolution congratulating Isaiah Norton for receiving the Royal Rangers Gold Medal of Achievement Award.

Referred to the Committee on Rules and Administration.

**Senator Vandever introduced –**

**Senate Resolution No. 94:** A Senate resolution congratulating Joe Ladd for receiving the Royal Rangers Gold Medal of Achievement Award.

Referred to the Committee on Rules and Administration.

**Senator Vandever introduced –**

**Senate Resolution No. 95:** A Senate resolution congratulating Jacob Waskey for receiving the Royal Rangers Gold Medal of Achievement Award.

Referred to the Committee on Rules and Administration.

**Senator Vandever introduced –**

**Senate Resolution No. 96:** A Senate resolution congratulating Adam Norton for receiving the Royal Rangers Gold Medal of Achievement Award.

Referred to the Committee on Rules and Administration.

Senator Chaudhary moved that the appointments withdrawn from the Committee on Environment and Natural Resources and placed on the Confirmation Calendar under Senate Rule 8.2, reported in the Senate Journal for May 7, 2007, be returned to the committee from which they were withdrawn.

Legislative-Citizen Commission on Minnesota Resources - Alfred Berner, Nancy Gibson, David Hartwell, John Hunt and Mary Mueller

Minnesota Pollution Control Agency - Donald Schiefelbein

Senator Senjem moved to amend the Chaudhary motion as follows:

Delete "returned to the committee from which they were withdrawn" and insert "re-referred to the Committee on Rules and Administration"

The motion prevailed. So the amendment was adopted.

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

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 Rummel introduced—**

**S.F. No. 2289:** A bill for an act relating to charitable organizations; modifying financial statement requirements for certain charitable organizations; amending Minnesota Statutes 2006, section 309.53, subdivision 3.

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

#### **Senators Sheran and Erickson Ropes introduced—**

**S.F. No. 2290:** A bill for an act relating to health; requiring coverage of plasma protein treatments; amending Minnesota Statutes 2006, section 256B.0625, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144A.

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

#### **Senator Moua introduced—**

**S.F. No. 2291:** A bill for an act relating to taxation; corporate franchise; modifying the definition of sales from performance of services for regulated investment companies under the apportionment formula; amending Minnesota Statutes 2006, section 290.191, subdivision 5.

Referred to the Committee on Taxes.

#### **Senators Betzold, Koering and Sieben introduced—**

**S.F. No. 2292:** A bill for an act relating to animals; providing standards of care for dog and cat breeders; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 347.

Referred to the Committee on Agriculture and Veterans.



**Senators Vickerman and Frederickson introduced—**

**S.F. No. 2293:** A bill for an act relating to capital improvements; appropriating money for the Prairie Ecology Center in Jackson County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senators Betzold, Moua, Limmer and Scheid introduced—**

**S.F. No. 2294:** A bill for an act relating to commerce; regulating access to customer data and personal property data maintained by pawnbrokers and secondhand goods dealers; restricting law enforcement access to customer data; classifying data; preempting local regulation; amending Minnesota Statutes 2006, sections 13.487, by adding a subdivision; 325J.01, by adding subdivisions; 325J.05; 325J.13; proposing coding for new law in Minnesota Statutes, chapter 325J.

Referred to the Committee on Commerce and Consumer Protection.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated H.F. No. 2294 a Special Order to be heard immediately.

**SPECIAL ORDER**

**H.F. No. 2294:** A bill for an act relating to taxation; modifying the levy authority of the Cook-Orr Hospital District; amending Laws 1988, chapter 645, section 3, as amended.

Senator Bakk moved to amend H.F. No. 2294, the unofficial engrossment, as follows:

Page 11, line 17, delete "\$18,531,000" and insert "\$19,242,000"

The motion prevailed. So the amendment was adopted.

**CALL OF THE SENATE**

Senator Bakk imposed a call of the Senate for the balance of the proceedings on H.F. No. 2294. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 2294 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 35 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Clark	Higgins	Lourey	Olseen
Bakk	Cohen	Kubly	Marty	Olson, M.
Berglin	Dibble	Langseth	Metzen	Pappas
Betzold	Erickson Ropes	Larson	Moua	Pogemiller
Chaudhary	Foley	Latz	Murphy	Prettner Solon

Saxhaug  
Scheid

Sheran  
Sieben

Skoe  
Sparks

Tomassoni  
Torres Ray

Vickerman  
Wiger

Those who voted in the negative were:

Bonoff  
Carlson  
Day  
Dille  
Doll  
Fischbach  
Frederickson

Gerlach  
Gimse  
Hann  
Ingebrigtsen  
Johnson  
Jungbauer  
Koch

Koering  
Limmer  
Lynch  
Michel  
Neuville  
Olson, G.  
Ortman

Pariseau  
Rest  
Robling  
Rosen  
Rummel  
Saltzman  
Senjem

Skogen  
Vandever  
Wergin

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

### RECESS

Senator Pogemiller 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 Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1165: Senators Olseen; Olson, M. and Limmer.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

### MEMBERS EXCUSED

Senator Stumpf was excused from the Session of today. Senator Sheran was excused from the Session of today from 10:00 to 10:40 a.m. Senator Vandever was excused from the Session of today from 10:00 to 11:00 a.m. Senator Murphy was excused from the Session of today from 10:00 a.m. to 12:35 p.m.

### ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 9:00 a.m., Friday, May 11, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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