

THIRD DAY

St. Paul, Minnesota, Monday, January 12, 2009

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

CALL OF THE SENATE

Senator Clark 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. John Ward.

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:

Bakk	Erickson Ropes	Koch	Olseen	Senjem
Berglin	Fischbach	Koering	Olson, G.	Sieben
Betzold	Fobbe	Kubly	Olson, M.	Skogen
Bonoff	Foley	Langseth	Pappas	Sparks
Carlson	Frederickson	Latz	Pariseau	Stumpf
Clark	Gerlach	Limmer	Rest	Tomassoni
Cohen	Gimse	Lourey	Robling	Torres Ray
Dahle	Hann	Lynch	Rosen	Vandever
Day	Higgins	Marty	Rummel	Vickerman
Dibble	Ingebrigtsen	Metzen	Saltzman	Wiger
Dille	Jungbauer	Michel	Saxhaug	
Doll	Kelash	Moua	Scheid	

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.

January 8, 2009

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

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

BOARD ON JUDICIAL STANDARDS

Douglas A. Fuller, 2004 Grotte Ave. N.E., Bemidji, in the county of Beltrami, effective January 13, 2009, for a term that expires on January 7, 2013.

Referred to the Committee on Judiciary.

Sincerely,
Tim Pawlenty, Governor

MOTIONS AND RESOLUTIONS

Senator Cohen moved that the name of Senator Olson, M. be added as a co-author to S.F. No. 2. The motion prevailed.

Senator Berglin moved that the name of Senator Rest be added as a co-author to S.F. No. 3. The motion prevailed.

Senators Koering, Dille, Gimse, Rosen and Ingebrigtsen introduced –

Senate Resolution No. 15: A Senate resolution honoring the life of Mary J. Brenny.

Referred to the Committee on Rules and Administration.

Senator Koch introduced –

Senate Resolution No. 16: A Senate resolution congratulating Matthew Edward Fautsch of Buffalo, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Koch introduced –

Senate Resolution No. 17: A Senate resolution congratulating Douglas Colbert of Maple Lake, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Senator Clark moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Prettner Solon and Bakk introduced–

S.F. No. 50: A bill for an act relating to capital investment; authorizing the sale of state bonds; appropriating money for construction of sanitary sewer overflow storage facilities in Duluth.

Referred to the Committee on Finance.

Senator Metzen introduced–

S.F. No. 51: A bill for an act relating to appropriations; appropriating money for completion of Heritage Village Park in Inver Grove Heights.

Referred to the Committee on Finance.

Senator Metzen introduced–

S.F. No. 52: A bill for an act relating to taxation; providing sales tax exemptions for the expansion, remodeling, or improvement of the public safety building and city hall in Inver Grove Heights; appropriating money; amending Minnesota Statutes 2008, sections 297A.71, by adding a subdivision; 297A.75, subdivisions 1, 2, 3.

Referred to the Committee on Taxes.

Senator Metzen introduced–

S.F. No. 53: A bill for an act relating to transportation; historical preservation; prohibiting removal of Rock Island Swing Bridge for two years.

Referred to the Committee on Transportation.

Senators Scheid, Limmer, Foley and Clark introduced–

S.F. No. 54: A bill for an act relating to highways; authorizing issuance of trunk highway bonds; appropriating money to complete highway 610.

Referred to the Committee on Finance.

Senators Fischbach, Clark and Gimse introduced–

S.F. No. 55: A bill for an act relating to capital investment; correcting the grantee for a parks appropriation; amending Laws 2008, chapter 179, section 7, subdivision 26.

Referred to the Committee on Finance.

Senator Rest introduced–

S.F. No. 56: A bill for an act relating to commerce; regulating building and construction contracts and indemnification agreements; amending Minnesota Statutes 2008, sections 337.01; 337.02; 337.05, subdivision 1; 337.10.

Referred to the Committee on Commerce and Consumer Protection.

Senators Rest, Cohen, Betzold, Robling and Gimse introduced—

S.F. No. 57: A bill for an act relating to state government; adding duties to the commissioner of finance; amending Minnesota Statutes 2008, section 16A.055, subdivision 1.

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

Senators Senjem, Saltzman, Langseth and Day introduced—

S.F. No. 58: A bill for an act relating to capital improvements; appropriating money for the National Volleyball Center in Rochester; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Lynch, Bakk, Senjem and Robling introduced—

S.F. No. 59: A bill for an act relating to counties; extending design-build authority from Hennepin County to all counties; amending Minnesota Statutes 2008, section 383B.158, subdivision 1.

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

Senator Berglin introduced—

S.F. No. 60: A bill for an act relating to public safety; allowing prisoners facing civil commitment in certain cases to elect to remain confined in state correctional facilities beyond their scheduled release date; amending Minnesota Statutes 2008, sections 244.05, subdivisions 1, 1b; 253B.045, subdivision 1; 253B.185, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 243.

Referred to the Committee on Judiciary.

Senators Tomassoni, Wiger, Michel and Koch introduced—

S.F. No. 61: A bill for an act relating to education; requiring statewide academic standards for physical education; amending Minnesota Statutes 2008, sections 120B.021, subdivision 1; 120B.023, subdivision 2; 120B.024; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Education.

Senator Sheran introduced—

S.F. No. 62: A bill for an act relating to the city of North Mankato; changing certain requirements relating to tax increment financing district.

Referred to the Committee on Taxes.

Senator Sheran introduced–

S.F. No. 63: A bill for an act relating to the city of Mankato; changing certain requirements relating to a tax increment financing district.

Referred to the Committee on Taxes.

Senator Wiger introduced–

S.F. No. 64: A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article V, section 5, providing for an election to fill a vacancy in the office of governor; changing the procedure for a special election to fill a United States Senate vacancy; amending Minnesota Statutes 2008, sections 4.06; 204D.17, subdivision 1; repealing Minnesota Statutes 2008, section 204D.28.

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

Senator Murphy introduced–

S.F. No. 65: A bill for an act relating to motor fuels tax; repealing lower income motor fuels tax credit; making technical correction; amending Minnesota Statutes 2008, section 297A.815, subdivision 3; repealing Minnesota Statutes 2008, section 290.06, subdivision 34.

Referred to the Committee on Finance.

Senators Higgins and Bonoff introduced–

S.F. No. 66: A bill for an act relating to human services; modifying children's therapeutic services and supports; amending Minnesota Statutes 2008, section 256B.0943, subdivision 1.

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

Senator Kubly introduced–

S.F. No. 67: A bill for an act relating to capital improvements; appropriating money for the southwest area storm sewer system; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Kubly; Robling; Olson, G.; Stumpf and Wiger introduced–

S.F. No. 68: A bill for an act relating to education finance; authorizing a fund transfer for Independent School District No. 2853, Lac qui Parle Valley.

Referred to the Committee on Finance.

Senators Prettner Solon, Doll, Rosen, Senjem and Tomassoni introduced–

S.F. No. 69: A bill for an act relating to energy; authorizing commissioner of commerce to prepare and plan for receipt of federal stimulus money for investment in energy conservation and

efficiency and broadband deployment.

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

Senators Rest, Senjem, Betzold, Moua and Pariseau introduced–

S.F. No. 70: A bill for an act relating to judicial selection; proposing an amendment to the Minnesota Constitution, article VI, sections 7 and 8; establishing retention elections for judges; creating a judicial performance commission; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 7, 10, 15; 204B.06, subdivision 6; 204B.34, subdivision 3; 204B.36, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 204D; 480B; repealing Minnesota Statutes 2008, sections 204B.36, subdivision 5; 204D.14, subdivision 3.

Referred to the Committee on Judiciary.

Senators Saltzman, Wiger and Anderson introduced–

S.F. No. 71: A bill for an act relating to capital improvements; changing closed landfill cleanup appropriation from revenue bond proceeds to user-financed general obligation bond proceeds; amending Minnesota Statutes 2008, sections 115A.908, subdivision 2; 116.155, subdivision 3; Laws 2008, chapter 179, section 8, subdivision 3; repealing Minnesota Statutes 2008, section 116.156.

Referred to the Committee on Finance.

Senator Clark introduced–

S.F. No. 72: A bill for an act relating to education; creating a quality rating and improvement system; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Education.

Senator Betzold introduced–

S.F. No. 73: A bill for an act relating to the legislature; changing the timing for payment of compensation to legislators; authorizing payments for additional travel during special sessions; amending Minnesota Statutes 2008, sections 3.099, subdivision 1; 3.103.

Referred to the Committee on Rules and Administration.

Senators Jungbauer and Frederickson introduced–

S.F. No. 74: A bill for an act relating to waters; providing standards for use of recycled water; proposing coding for new law in Minnesota Statutes, chapter 103G.

Referred to the Committee on Environment and Natural Resources.

Senators Lynch, Senjem, Pappas, Anderson and Tomassoni introduced–

S.F. No. 75: A bill for an act relating to capital improvements; authorizing the sale and issuance

of state bonds; appropriating money for a new steam line from Olmsted Waste-to-Energy Facility to Rochester Community and Technical College Campus.

Referred to the Committee on Finance.

Senators Marty, Rest, Olseen and Carlson introduced–

S.F. No. 76: A bill for an act relating to legislative procedure; requiring certain conference committee communications to be open to the public; requiring budget negotiations between legislative leaders and bill and budget negotiations between the governor and legislative leaders to be open to the public; amending Minnesota Statutes 2008, section 3.055, subdivision 1.

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

RECESS

Senator Clark moved that the Senate do now recess until 2:30 p.m. The motion prevailed.

The hour of 2:30 p.m. having arrived, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Clark moved that the Senate revert to the Order of Business of Reports of Committees. The motion prevailed.

REPORTS OF COMMITTEES

Senator Clark 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 Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 4: A bill for an act relating to unemployment compensation; providing for a new base period for calculating benefits; providing for a limited extension of benefits; amending Minnesota Statutes 2008, section 268.035, subdivision 4.

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

Senator Murphy from the Committee on Transportation, to which was referred the following appointment:

DEPARTMENT OF TRANSPORTATION
COMMISSIONER
Thomas K. Sorel

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

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

prevailed.

MEMBERS EXCUSED

Senators Anderson, Johnson, Ortman, Pogemiller, Sheran and Skoe were excused from the Session of today.

ADJOURNMENT

Senator Clark moved that the Senate do now adjourn until 11:00 a.m., Thursday, January 15, 2009. The motion prevailed.

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

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