

NINETIETH DAY

St. Paul, Minnesota, Tuesday, April 18, 2006

The Senate met at 11:00 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, Major John Morris.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2959.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 12, 2006

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

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.

Senator Johnson, D.E. moved that H.F. No. 2959 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Senator Johnson, D.E. moved that the name of Senator Kleis be stricken as chief author, and the name of Senator Clark be added as chief author to S.F. No. 2249. The motion prevailed.

Senator Robling moved that her name be stricken as a co-author to S.F. No. 2718. The motion prevailed.

Senator Larson moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Langseth be added as chief author to S.F. No. 2718. The motion prevailed.

Senator Robling moved that her name be stricken as a co-author to S.F. No. 3122. The motion prevailed.

Senator Johnson, D.E. moved that H.F. No. 2959 be taken from the table. The motion prevailed.

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.

SUSPENSION OF RULES

Senator Johnson, D.E. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2959 and that the rules of the Senate be so far suspended as to give H.F. No. 2959 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2959 was read the second time.

Senator Langseth moved to amend H.F. No. 2959 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2959, and insert the language after the enacting clause, and the title, of S.F. No. 3475, the second engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 2959 was read the third time, as amended, and placed on its final passage.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 2959. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 53 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fischbach	Koch	Limmer	Ortman
Hann	LeClair	Nienow	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, D.E. introduced –

Senate Resolution No. 190: A Senate resolution honoring and congratulating the Minnesota National Guard on its 150th anniversary and for its commitment of service to the State of Minnesota and the nation.

WHEREAS, the Minnesota National Guard is comprised of citizen-soldiers who are our own fathers and mothers, brothers and sisters, sons and daughters, husbands and wives, and friends and neighbors; and

WHEREAS, the Minnesota National Guard is the oldest continuously organized, citizen-soldier militia in our nation, formed before the United States Army itself; and

WHEREAS, the Minnesota National Guard traces its origins to the formation of the Pioneer Guard in the Minnesota territory in 1856, two years before Minnesota became the 32nd state in the union; and

WHEREAS, the First Minnesota Infantry was among the first militia regiments that responded to President Lincoln's call for troops in April 1861 when it volunteered for three years of service

during the Civil War; and

WHEREAS, the First Minnesota Infantry would see battle at Bull Run, Antietam, and Gettysburg; and

WHEREAS, during a critical moment in the battle at Gettysburg, 262 soldiers of the First Minnesota Infantry, along with other Union forces, bravely charged the Confederate brigade, allowing the Union line to reform; and

WHEREAS, only 47 men answered the roll after this valiant charge, earning the First Minnesota Infantry the highest casualty rate of any unit in the Civil War; and

WHEREAS, the Minnesota National Guard was the first to volunteer for service in the Philippines and Cuba during the Spanish-American War of 1898, with enough men to form three regiments; and

WHEREAS, one of the three Minnesota regiments to report for duty in the War with Spain, the 13th Volunteer regiment, saw some of the heaviest fighting of the war in the battle of Manila, and suffered more casualties than all other regiments combined during that key confrontation to free the Philippines; and

WHEREAS, after the cross-border raids of Pancho Villa and the attempted instigation of a war between the United States and Mexico, the border was secured in part by the Minnesota National Guard; and

WHEREAS, the Minnesota National Guard was mobilized for duty in World War I, where many Minnesotans saw duty in France, including the 151st Field Artillery, which saw duty as part of the famed 42nd "Rainbow" Division; and

WHEREAS, the first Air National Guard unit in the nation was the 109th Observation Squadron of the Minnesota National Guard, which passed its muster inspection on January 17, 1921; and

WHEREAS, a tank company of the Minnesota National Guard from Brainerd, Minnesota, was shipped to the Philippines in 1941 to shore up American defenses against Japan as World War II neared; and

WHEREAS, these men from Brainerd fought hard and bravely as American forces were pushed into the Bataan Peninsula and ultimately endured the Bataan Death March; and

WHEREAS, men of the 175th Field Artillery, as part of the 34th "Red Bull" Division became the first American Division to be deployed to Europe in January of 1942; and

WHEREAS, when the 34th Division was shipped to North Africa, it fired the first American shells against the Nazi forces; and

WHEREAS, the 34th Division participated in six major Army campaigns in North Africa, Sicily, and Italy, which led to the division being credited with taking the most enemy-defended hills of any division in the European Theater as well as having more combat days than any other division in Europe; and

WHEREAS, the Minnesota National Guard served with distinction on the ground and in the air during Operations Desert Shield and Desert Storm; and

WHEREAS, the Minnesota National Guard troops have helped keep the peace in the former Yugoslavia, including over 2,000 troops who have seen service in Bosnia, Croatia, and Kosovo; and

WHEREAS, the Minnesota National Guard has participated in keeping America safe after September 11, 2001, in many ways including airport security; and

WHEREAS, the Duluth-based 148th Fighter Wing's F-16s flew combat patrols over cities after

September 11th for a longer time than any other air defense unit; and

WHEREAS, more than 600 Minnesota National Guard troops have been deployed to Afghanistan in Operation Enduring Freedom; and

WHEREAS, over 11,000 have been called up for full-time service since the September 11th terrorist attacks; and

WHEREAS, Minnesota National Guard troops are presently serving in national defense missions in Afghanistan, Pakistan, Kuwait, Qatar, Oman, and Iraq; and

WHEREAS, the men and women of the 1st Brigade Combat Team, 34th Infantry Division, are currently part of the state's largest troop deployment since World War II, with more than 2,600 of Minnesota's citizen soldiers called to service in support of Operation Iraqi Freedom; and

WHEREAS, the Minnesota National Guard has greatly contributed not only to battles but also to addressing other calamities, such as aiding police in suppressing the violent riots of the 1947 national meat processors strike; and responding to natural disasters such as the Red River flood of 1997 in which they organized search and rescue missions, helped shelter people who were left homeless, ran logistics, and assisted sandbagging efforts; and

WHEREAS, today's Minnesota Army National Guard includes over 9,700 men and women who belong to units, including military police, communications, armor, engineers, aviation, medical, artillery, infantry, supply, transportation, and maintenance, that train in 65 Training and Community Centers located across the state; and

WHEREAS, on April 17, 2006, the Minnesota National Guard will celebrate its 150th anniversary along with its many historical and recent accomplishments; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it honors and congratulates the Minnesota National Guard for its commitment of service to the State of Minnesota and to the nation on its 150-year anniversary.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Senate Majority Leader, and transmit it to Minnesota Major General Larry W. Shellito.

Senator Johnson, D.E. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Marty and Foley introduced—

S.F. No. 3775: A bill for an act relating to taxation; clarifying that the tax on cigarettes and tobacco products imposed under Laws 2005, First Special Session chapter 4, article 4, is a tax, not a fee; amending Minnesota Statutes 2005 Supplement, sections 256.9658; 325D.32, subdivision 9; Laws 2005, First Special Session chapter 4, article 4, sections 5; 6; repealing Minnesota Statutes 2005 Supplement, section 16A.725.

Referred to the Committee on Taxes.

Senator Clark introduced—

S.F. No. 3776: A bill for an act relating to taxation; individual income; reducing marriage

penalties; amending Minnesota Statutes 2004, sections 290.067, subdivision 2a; 290.0671, subdivisions 1, 1a; 290.091, subdivision 3.

Referred to the Committee on Taxes.

Senator Koch introduced—

S.F. No. 3777: A bill for an act relating to human services; modifying provisions for general assistance and MFIP programs; amending Minnesota Statutes 2004, sections 256D.06, by adding a subdivision; 256J.12, subdivision 1, by adding a subdivision; 256J.95, by adding subdivisions.

Referred to the Committee on Health and Family Security.

Senators Berglin, Kiscaden, Rosen and Senjem introduced—

S.F. No. 3778: A bill for an act relating to taxation; increasing the cigarette and tobacco products taxes; repealing the health impact fund and fee; transferring money; amending Minnesota Statutes 2004, section 297F.05, subdivisions 1, 3; Minnesota Statutes 2005 Supplement, section 325D.32, subdivision 9; Laws 2005, First Special Session chapter 4, article 4, section 5; repealing Minnesota Statutes 2005 Supplement, sections 16A.725; 256.9658.

Referred to the Committee on Health and Family Security.

MEMBERS EXCUSED

Senators Dille, Kierlin, Moua, Pariseau, Scheid and Stumpf were excused from the Session of today. Senator Bachmann was excused from the Session of today from 11:00 to 11:20 a.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Wednesday, April 19, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

