

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

FORTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, April 10, 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, Rev. Kevin McDonough.

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

March 26, 2007

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Jonathon Bloomberg, 3232 Holmes Ave., Minneapolis, in the county of Hennepin, effective April 2, 2007, for a term that expires on January 3, 2011.

Julie Goehring, 708 - 70th Ave. N.W., Moorhead, in the county of Clay, effective April 2, 2007, to fill a vacated term that expires January 5, 2009.

Susan McCarville, 58 Harrison Ave. S., Hopkins, in the county of Hennepin, effective April 2, 2007, for a term that expires on January 3, 2011.

Dennis Wenzel, 1835 Saunders Ave., Saint Paul, in the county of Ramsey, effective April 2, 2007, to fill a vacated term that expires January 4, 2010.

(Referred to the Committee on Environment and Natural Resources.)

Sincerely,
Tim Pawlenty, Governor

March 30, 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. 60 and 1332.

Sincerely,
Tim Pawlenty, Governor

April 2, 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
	736	11	5:02 p.m. March 30	April 2
	1441	12	5:05 p.m. March 30	April 2
	1200	13	5:10 p.m. March 30	April 2
60		14	5:15 p.m. March 30	April 2
1332		15	5:10 p.m. March 30	April 2
	274	16	5:20 p.m. March 30	April 2

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 File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 846: A bill for an act relating to state government; providing deficiency funding for certain state agencies; appropriating money.

Senate File No. 846 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 2, 2007

Senator Cohen moved that S.F. No. 846 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Senator Erickson Ropes moved that the name of Senator Sheran be added as a co-author to S.F. No. 863. The motion prevailed.

Senator Saxhaug moved that S.F. No. 1154 be withdrawn from the Committee on Taxes and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Lourey moved that S.F. No. 1310, No. 36 on General Orders, be stricken and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

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 Metzen introduced—

S.F. No. 2212: A bill for an act relating to unemployment insurance; modifying Social Security offset provisions; amending Minnesota Statutes 2006, section 268.085, subdivision 4.

Referred to the Committee on Business, Industry and Jobs.

Senator Torres Ray introduced—

S.F. No. 2213: A bill for an act relating to retirement; Teachers Retirement Association; providing an increase in the retirement annuity of certain former Minneapolis teachers based on an erroneous benefit estimate from the former Minneapolis Teachers Retirement Fund Association in 1995.

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

Senators Olson, M. and Marty introduced—

S.F. No. 2214: A bill for an act relating to human services; modifying treatment of assets for medical assistance eligibility; amending Minnesota Statutes 2006, section 256B.059, subdivision 5.

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

Senator Rest introduced—

S.F. No. 2215: A bill for an act relating to open meetings; defining terms; adding open meeting requirement; adding violation for serial meetings; adding contemporaneous textual electronic communications to open meeting requirements; amending Minnesota Statutes 2006, sections 13D.01, subdivisions 1, 2, by adding a subdivision; 13D.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13D.

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

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. 1048, 837, 753, 1696 and 1335, which the committee recommends to pass.

S.F. No. 493, which the committee recommends to pass with the following amendments offered by Senator Limmer:

Senator Limmer moved to amend S.F. No. 493 as follows:

Page 1, line 17, after the second "structure" insert "that is subject to a lease"

Page 1, line 21, delete "such as" and insert "including"

Page 1, line 22, before the period, insert "that is under the control of the person who owns or is responsible for maintaining the structure"

Page 2, delete lines 3 to 5 and insert:

"Subd. 2. Use of place. The continuous or regular use of a place by a lessee or tenant to engage in or allow gang activity by a criminal gang that is knowingly permitted by the owner or a person who is responsible for maintaining the place on behalf of the owner is a public nuisance."

Page 2, delete lines 11 to 13 and insert:

"(c) If the public nuisance involves the use of a place as provided in section 617.92, subdivision 2, the owner or a person who is responsible for maintaining the place on behalf of the owner may be made a defendant in the suit 60 or more days after service of the notice described in subdivision 2."

Senator Limmer moved to amend the Limmer amendment to S.F. No. 493 as follows:

Page 1, delete line 2

The motion prevailed. So the amendment to the amendment was adopted.

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

S.F. No. 1236, which the committee recommends to pass with the following amendment offered by Senator Frederickson:

Page 3, line 12, delete "such a" and insert "unpaid"

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.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Erickson Ropes moved that S.F. No. 1128, No. 47 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Murphy moved that S.F. No. 1806, No. 58 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Cohen moved that S.F. No. 846 be taken from the table. The motion prevailed.

Senator Cohen moved that S.F. No. 846 be laid on the table. The motion prevailed.

MEMBERS EXCUSED

Senators Berglin and Langseth were excused from the Session of today.

ADJOURNMENT

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

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Tuesday, April 10, 2007

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 1943 to 1945

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws	
		Chapter No.	Page
	736	11	1945
	1441	12	1945
	1200	13	1945
60		14	1945
1332		15	1945
	274	16	1945

MESSAGES FROM THE HOUSE AND FIRST READING OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
846	1945			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
846	1948		
863	1945		
1128	1947		
1154	1945		
1310	1945		
1806	1947		

GENERAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
493	1947		
753	1947		
837	1947		
1048	1947		
1236	1947		
1335	1947		
1696	1947		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F Nos. 2212 to 2215 Page 1946