

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

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FORTY-SECOND DAY

St. Paul, Minnesota, Saturday, March 31, 2007

The Senate met at 8:00 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. Deborah G. Celley.

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

Anderson	Erickson Ropes	Kubly	Olseen	Senjem
Bakk	Fischbach	Langseth	Olson, M.	Sheran
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	Stumpf
Clark	Higgins	Marty	Rest	Tomassoni
Cohen	Ingebrigtsen	Metzen	Robling	Torres Ray
Day	Johnson	Michel	Rosen	Vandever
Dibble	Jungbauer	Moua	Rummel	Vickerman
Dille	Koch	Murphy	Saltzman	Wergin
Doll	Koering	Neuville	Saxhaug	Wiger

The President declared a quorum present.

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

## MOTIONS AND RESOLUTIONS

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the Consent Calendar. The motion prevailed.

## SUSPENSION OF RULES

Senator Pogemiller moved that Rule 25.3 be suspended as to the lie-over requirement on the Consent Calendar. The motion prevailed.

**CONSENT CALENDAR**

**S.F. No. 1887:** A bill for an act relating to highways; designating the "Dallas Sams Memorial Highway"; amending Minnesota Statutes 2006, section 161.14, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**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 Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Marty introduced—**

**S.F. No. 2202:** A bill for an act relating to taxation; restoring 1998 income tax rates; amending Minnesota Statutes 2006, sections 290.06, subdivisions 2c, 2d; 290.091, subdivisions 1, 2, 6.

Referred to the Committee on Taxes.

**Senator Higgins introduced—**

**S.F. No. 2203:** A bill for an act relating to human services; making technical changes; amending child care; chemical and mental health; child welfare and public assistance; continuing care; health care; amending Minnesota Statutes 2006, sections 119B.011, subdivision 17; 119B.09, subdivision 1; 119B.125, subdivision 2, by adding a subdivision; 119B.13, subdivisions 3a, 7; 144.225, subdivision 2b; 245.4874; 252.32, subdivision 3; 253B.185, subdivision 2; 254A.03, subdivision 3; 254A.16, subdivision 2; 254B.02, subdivisions 1, 5; 254B.03, subdivisions 1, 3; 254B.06, subdivision 3; 256.01, subdivision 2; 256.045, subdivision 3b; 256.0451, subdivisions 1, 3, 11, 19;

256.046, subdivision 1; 256.476, subdivisions 1, 2, 3, 4, 5, 10; 256.974; 256.9744, subdivision 1; 256B.0625, subdivisions 1a, 13c, 23; 256B.0911, subdivision 4c; 256B.0913, subdivisions 4, 5, 5a, 8, 9, 10, 11, 12, 13, 14; 256B.0919, subdivision 3; 256B.0943, subdivisions 6, 9, 11, 12; 256B.431, subdivisions 1, 3f, 17e; 256D.03, subdivision 4; 256E.35, subdivisions 2, 7; 256J.21, subdivision 3; 256J.30, subdivision 9; 256J.32, subdivision 4; 256J.42, subdivisions 5, 6; 256J.425, subdivision 6; 256J.45, subdivision 2; 256J.46, subdivision 1; 256J.49, subdivision 13; 256J.50, subdivisions 1, 11; 256J.54, subdivisions 2, 5; 256J.55, subdivision 1; 256J.561, subdivision 2; 256J.645; 256J.66, subdivision 1; 256J.67, subdivision 3; 256J.95, subdivision 11; 256L.03, subdivision 5; 256L.04, subdivisions 1, 12; 259.67, subdivision 4; 260.012; 260B.157, subdivision 1; 626.556, subdivisions 2, 3, 10, 10c; Laws 2005, chapter 98, article 3, section 25; repealing Minnesota Statutes 2006, sections 252.21; 252.22; 252.23; 252.24; 252.25; 252.261; 252.275, subdivision 5; 254A.02, subdivisions 7, 9, 12, 14, 15, 16; 254A.085; 254A.086; 254A.12; 254A.14; 254A.15; 254A.16, subdivision 5; 254A.175; 254A.18; 256B.0913, subdivisions 5b, 5c, 5d, 5e, 5f, 5g, 5h; 256J.561, subdivision 1; 256J.62, subdivision 9; 256J.65; Minnesota Rules, part 9503.0035, subpart 2.

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

**Senator Scheid introduced—**

**S.F. No. 2204:** A bill for an act relating to motor vehicles; allowing multiple sets of plates for physically disabled persons; amending Minnesota Statutes 2006, section 168.021, subdivisions 1, 2.

Referred to the Committee on Transportation.

**Senators Vickerman, Langseth, Moua, Dille and Day introduced—**

**S.F. No. 2205:** A bill for an act relating to motor vehicles; providing for disabled veteran license plates; amending Minnesota Statutes 2006, section 168.1251.

Referred to the Committee on Agriculture and Veterans.

**Senators Michel and Metzen introduced—**

**S.F. No. 2206:** A bill for an act relating to capital investment; appropriating money for baseball fields for children; authorizing the issuance of general obligation bonds.

Referred to the Committee on Finance.

**Senators Wergin and Vickerman introduced—**

**S.F. No. 2207:** A bill for an act relating to capital improvements; appropriating money for an ice arena in Big Lake.

Referred to the Committee on Finance.

**Senator Rosen introduced—**

**S.F. No. 2208:** A bill for an act relating to natural resources; requiring a report on designation of ginseng.

Referred to the Committee on Environment and Natural Resources.

**Senator Lynch introduced—**

**S.F. No. 2209:** A bill for an act relating to human services; making program integrity improvements; modifying public assistance overpayments, public assistance declarations, workers' compensation data, and commissioner's subpoena authority; amending Minnesota Statutes 2006, sections 13.46, subdivision 2; 16D.13, subdivision 3; 119B.125, subdivision 2; 119B.13, subdivisions 1, 3a; 256.01, subdivision 4; 256.015, subdivision 7; 256.017, subdivisions 1, 9; 256.0471, subdivision 1; 256.984, subdivision 1; 256J.21, subdivision 2; 256J.95, subdivision 13; 270B.14, subdivision 1; repealing Minnesota Statutes 2006, section 119B.08, subdivision 4.

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

**Senators Erickson Ropes, Clark, Anderson, Pariseau and Prettnner Solon introduced—**

**S.F. No. 2210:** A resolution in support of Amtrak funding in the state of Minnesota.

Referred to the Committee on Transportation.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated S.F. No. 1611 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 1611:** A bill for an act relating to education finance; establishing prekindergarten allowances; increasing the basic general education formula allowance; increasing funding for the Board of Trustees of the Minnesota State Colleges and Universities; increasing funding for the Board of Regents of the University of Minnesota; increasing funding for the Office of Higher Education; modifying income tax rates; appropriating money; amending Minnesota Statutes 2006, sections 126C.10, subdivision 2; 127A.45, subdivision 12; 136A.121, subdivision 5; 270B.14, subdivision 1, by adding a subdivision; 290.06, subdivision 2c; 290.091, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapters 124D; 270C; repealing Minnesota Statutes 2006, section 124D.175.

Senator Neuville moved to amend S.F. No. 1611 as follows:

Amend the title as follows:

Page 1, line 2, delete "education finance" and insert "taxation; individual income and alternative minimum tax; creating the highest single general income tax rate in the nation"

Page 1, line 6, delete "modifying income tax rates;"

**CALL OF THE SENATE**

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on S.F. No. 1611. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Neuville amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Ortman	Vandever
Dille	Hann	Koering	Pariseau	Wergin
Fischbach	Ingebrigtsen	Limmer	Robling	
Frederickson	Johnson	Michel	Rosen	
Gerlach	Jungbauer	Neuville	Senjem	

Those who voted in the negative were:

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

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

S.F. No. 1611 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Larson	Olseen	Skoe
Bakk	Dibble	Latz	Olson, M.	Sparks
Berglin	Erickson Ropes	Lourey	Pappas	Stumpf
Betzold	Foley	Marty	Pogemiller	Tomassoni
Carlson	Higgins	Metzen	Prettner Solon	Torres Ray
Chaudhary	Kubly	Moua	Saxhaug	Vickerman
Clark	Langseth	Murphy	Sheran	Wiger

Those who voted in the negative were:

Bonoff	Gerlach	Koch	Ortman	Saltzman
Day	Gimse	Koering	Pariseau	Senjem
Dille	Hann	Limmer	Rest	Skogen
Doll	Ingebrigtsen	Lynch	Robling	Vandever
Fischbach	Johnson	Michel	Rosen	Wergin
Frederickson	Jungbauer	Neuville	Rummel	

So the bill passed and its title was agreed to.

Senator Pogemiller moved that S.F. No. 1611 be laid on the table. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Pogemiller moved that S.F. No. 2190 be taken from the table. The motion prevailed.

**S.F. No. 2190:** A bill for an act relating to the financing of state government; making onetime appropriations for health and human services, environment and natural resources, energy, clean water legacy, veterans, economic development, public safety, transportation, and state government; modifying certain statutory provisions and laws; providing for certain programs; fixing and limiting fees; authorizing rulemaking; requiring reports; providing for penalties; appropriating money; amending Minnesota Statutes 2006, sections 203B.02, subdivision 1; 203B.04, subdivisions 1, 6; 203B.06, subdivision 3; 203B.07, subdivision 2; 203B.11, subdivision 4; 256B.434, subdivision 4; 256J.77; 256K.45, by adding a subdivision; 462A.21, subdivision 8b; proposing coding for new law in Minnesota Statutes, chapters 116O; 144; 256D; repealing Minnesota Statutes 2006, section 203B.04, subdivision 5.

Senator Betzold moved to amend S.F. No. 2190, as amended by the Senate March 30, 2007, as follows:

Page 26, after line 18, insert:

"Sec. 6. MINNESOTA HISTORICAL SOCIETY     \$             100,000

For expenses incurred by the Sesquicentennial Commission. This is a onetime appropriation and is available until expended."

Page 38, line 23, delete "\$3,660,000" and insert "\$3,160,000"

Page 39, after line 7, insert:

"Subd. 2. State Facilities Services   400,000

To design the restoration and expansion of the State Capitol. This appropriation is available until spent."

Correct the subdivision and section totals and the appropriation summaries

Renumber the subdivisions in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 2190 as follows:

Page 6, after line 9, insert:

"Positive Alternatives Grant Program. \$1,250,000 the first year and \$1,250,000 the second year are for the positive alternatives

grant program under Minnesota Statutes,  
section 145.4235."

Page 26, line 26, delete "5,500,000" and insert "3,000,000"

Correct the subdivision and section totals and the appropriate summaries

Amend the title accordingly

### CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the proceedings on S.F. No. 2190. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Robling amendment.

The roll was called, and there were yeas 30 and nays 32, as follows:

Those who voted in the affirmative were:

Clark	Gimse	Koering	Ortman	Skoe
Day	Hann	Kubly	Pariseau	Skogen
Dille	Ingebrigtsen	Limmer	Robling	Sparks
Fischbach	Johnson	Michel	Rosen	Vanderveer
Frederickson	Jungbauer	Neuville	Saltzman	Vickerman
Gerlach	Koch	Olson, M.	Senjem	Wergin

Those who voted in the negative were:

Anderson	Dibble	Latz	Pappas	Stumpf
Bakk	Doll	Lourey	Pogemiller	Tomassoni
Berglin	Erickson Ropes	Lynch	Prettner Solon	Torres Ray
Betzold	Foley	Metzen	Rest	Wiger
Carlson	Higgins	Moua	Rummel	
Chaudhary	Langseth	Murphy	Saxhaug	
Cohen	Larson	Olseen	Sheran	

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

Senator Jungbauer moved to amend S.F. No. 2190 as follows:

Page 26, line 26, delete "\$5,500,000" and insert "\$2,000,000"

Page 37, after line 34, insert:

"Subd. 4. Metropolitan transit park-and-rides 3,500,000

For three park-and-ride facilities located in the seven-county metropolitan area, but outside the seven-county metropolitan transit taxing district as of January 1, 2007."

Correct the section totals and the appropriation summaries

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Betzold	Gerlach	Koch	Ortman	Senjem
Day	Gimse	Koering	Pariseau	Vandever
Dille	Hann	Limmer	Pogemiller	Wergin
Doll	Ingebrigtsen	Marty	Robling	
Fischbach	Johnson	Michel	Rosen	
Frederickson	Jungbauer	Neuville	Rummel	

Those who voted in the negative were:

Anderson	Dibble	Lourey	Prettner Solon	Stumpf
Bakk	Erickson Ropes	Lynch	Rest	Tomassoni
Berglin	Foley	Metzen	Saltzman	Torres Ray
Bonoff	Higgins	Moua	Saxhaug	Vickerman
Carlson	Kubly	Murphy	Sheran	Wiger
Chaudhary	Langseth	Olseen	Skoe	
Clark	Larson	Olson, M.	Skogen	
Cohen	Latz	Pappas	Sparks	

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

Senator Gerlach moved to amend S.F. No. 2190 as follows:

Page 17, line 8, delete "\$500,000" and insert "\$1,000,000"

Page 26, line 26, delete "5,500,000" and insert "5,000,000"

Correct the section totals and the appropriation summaries

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

Senator Limmer moved to amend S.F. No. 2190 as follows:

Page 26, line 26, delete "\$5,500,000" and insert "\$4,500,000"

Page 37, after line 34, insert:

"Subd. 4. **Metro Mobility capital** 1,000,000

For the Metropolitan Council to purchase hybrid Metro Mobility vehicles and wheelchair accessibility lifts."

Correct the section totals and the appropriation summaries

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 41, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Jungbauer	Neuville	Senjem
Dille	Gimse	Koch	Ortman	Vandever
Doll	Hann	Koering	Pariseau	Wergin
Fischbach	Ingebrigtsen	Limmer	Robling	
Frederickson	Johnson	Michel	Rosen	

Those who voted in the negative were:

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

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

Senator Vandever moved to amend S.F. No. 2190 as follows:

Page 23, line 7, delete "\$750,000" and insert "\$250,000"

Page 37, after line 34, insert:

"Subd. 4. Metro Mobility dispatch 500,000

For technology enhancements to provide computer aided dispatch at the Metropolitan Council's dispatch center for improved Metro Mobility service."

Correct the section totals and the appropriation summaries

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 41, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Jungbauer	Neuville	Senjem
Dille	Gimse	Koch	Ortman	Vandever
Doll	Hann	Koering	Pariseau	Wergin
Fischbach	Ingebrigtsen	Limmer	Robling	
Frederickson	Johnson	Michel	Rosen	

Those who voted in the negative were:

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

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

Senator Gerlach moved to amend S.F. No. 2190 as follows:

Page 6, line 11, delete "3,000,000" and insert "4,000,000" and delete "3,000,000" and insert "4,000,000"

Page 21, line 25, delete "\$37,500,000" and insert "\$35,500,000"

Correct the subdivision and section totals and the appropriation summaries

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 40, as follows:

Those who voted in the affirmative were:

Betzold	Gerlach	Koch	Ortman	Torres Ray
Day	Gimse	Koering	Pariseau	Vandever
Dille	Hann	Limmer	Robling	Wergin
Fischbach	Ingebrigtsen	Michel	Rosen	
Frederickson	Johnson	Neuville	Senjem	

Those who voted in the negative were:

Anderson	Dibble	Latz	Pappas	Sieben
Bakk	Doll	Lourey	Pogemiller	Skoe
Berglin	Erickson Ropes	Lynch	Prettner Solon	Skogen
Bonoff	Foley	Metzen	Rest	Sparks
Carlson	Higgins	Moua	Rummel	Stumpf
Chaudhary	Kubly	Murphy	Saltzman	Tomassoni
Clark	Langseth	Olseen	Saxhaug	Vickerman
Cohen	Larson	Olson, M.	Sheran	Wiger

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

Senator Robling moved to amend S.F. No. 2190 as follows:

Page 21, delete lines 25 to 34

Page 44, after line 14, insert:

## "ARTICLE 10

### K-12 EDUCATION

#### Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2008</u>	<u>2009</u>	<u>Total</u>
General	\$ 18,500,000	\$ 19,000,000	\$ 37,500,000

#### Sec. 2. SCHOOL TECHNOLOGY GRANTS.

Subdivision 1. Program outcomes. The general framework outcomes for technology use in kindergarten through grade 12 education are:

(1) development of policies and procedures that assure instructional resource availability to help students successfully achieve education excellence and state standards;

(2) development of databases that are accessible within each district and on the Internet;

(3) development of policies, procedures, and systems that stimulate and promote teacher and student curriculum and learning collaboration; and

(4) development of uniform technology standards.

Subd. 2. Establishment; eligibility. To promote the outcomes of subdivision 1, a program is

established to support districts and charter schools in reaching these outcomes. Districts and charter schools eligible to participate under this section must have an approved district technology plan submitted to the commissioner. The commissioner shall develop a competitive grant process for the purpose of determining recipients. Districts and charter schools must propose to use the grant funds that support the outcomes described in subdivision 1 in a manner that fulfills the following components in rank order by:

- (1) obtaining minimum statewide standards of technology infrastructure and capacity;
- (2) incorporating student technology content standards within the district curriculum and the professional development necessary for effective instruction of those standards;
- (3) developing data-driven decision-making models in the classroom, school, and district; and
- (4) developing innovation in student learning and teacher professional development.

Subd. 3. **Application and review process; funding priority.** Districts and charter schools eligible under subdivision 2 may apply to the commissioner, in the form and manner the commissioner determines, for competitive funding to achieve the four grant goals. The application must identify, through a commonly-used technology audit process that determines the district or charter school's current technology capabilities, the disparity between the district or charter school's current technology infrastructure and capacity and the minimum statewide standards that are established by the commissioner. The application must detail the specific efforts the applicant intends to undertake to achieve the components, consistent with subdivision 2, and a proposed budget detailing the district or charter school's current and proposed expenditures. The proposed budget must demonstrate that the applicant's efforts will support the four components of subdivision 2 in rank order. Expenditures for administration must not exceed five percent of the proposed budget. The commissioner may require an applicant to provide additional information. When reviewing applications, the commissioner must determine whether the applicant satisfied all the requirements in this subdivision and subdivision 2. The commissioner may give funding priority to an otherwise qualified applicant that demonstrates:

- (1) previous attempts through district referenda or other funding mechanisms to increase its technology infrastructure and capacity;
- (2) previous efforts to participate in online field testing of statewide assessments; or
- (3) an effective ability to actively involve local business and community organizations in efforts to stimulate and promote teacher and student curriculum and learning collaboration.

Subd. 4. **Application review; grant awards.** The commissioner shall award grants to applicant school districts and charter schools that meet the requirements of subdivisions 1 and 2. The commissioner may award grants as funding allows and, to the extent feasible, must distribute the grant awards on an equitable geographical basis. The commissioner must base the amount of the grant award on the number of students in the participating district or charter school. District expenditures of the grant proceeds must be consistent with budget information the grantee periodically submits to the commissioner. School districts and charter schools that submit an application and receive funding under this section must use the funding, consistent with the components in subdivision 2, as stated in the application. The commissioner may spend up to one percent of the appropriation for administering the program.

Subd. 5. **Annual reports.** Each school district and charter school that receives a grant under this section must demonstrate and measure the extent to which the district or charter school achieved the outcomes set forth in the grant application and consistent with subdivision 1. This report is due at the end of the grant period and must be submitted to the commissioner in the form and manner the commissioner determines. The commissioner must make summary data about this program available to the education policy and finance committees of the legislature by February 15, 2010. Each school district and charter school that receives a grant under this section annually must report to the commissioner, consistent with the uniform financial accounting and reporting standards, its actual expenditures for school technology funding. The report must demonstrate that the school district or charter school has maintained its effort from other sources for technology and capacity compared with the previous fiscal year, and the district or charter school has expended all grant funds, consistent with its approved budget.

**EFFECTIVE DATE.** This section is effective for fiscal years 2008 and 2009.

Sec. 3. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **School technology grants.** For school technology grants under section 2:

\$	<u>18,500,000</u>	.....	<u>2008</u>
\$	<u>19,000,000</u>	.....	<u>2009</u>

This is a onetime appropriation."

Correct the section totals and the appropriation summaries

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 41, as follows:

Those who voted in the affirmative were:

Bonoff	Gimse	Koch	Ortman	Senjem
Day	Hann	Koering	Pariseau	Vandever
Dille	Ingebrigtsen	Limmer	Robling	
Fischbach	Johnson	Michel	Rosen	
Gerlach	Jungbauer	Neuville	Saltzman	

Those who voted in the negative were:

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

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

Senator Ingebrigtsen moved to amend S.F. No. 2190 as follows:

Page 21, line 25, delete "\$37,500,000" and insert "\$35,400,000"

Page 31, line 4, delete "\$500,000" and insert "\$1,000,000"

Page 32, line 1, delete "\$600,000" and insert "\$1,200,000"

Page 32, line 30, delete "\$100,000" and insert "\$500,000"

Page 33, line 1, delete "600,000" and insert "1,200,000"

Correct the subdivision and section totals and the appropriation summaries

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 43, as follows:

Those who voted in the affirmative were:

Day	Hann	Koering	Pariseau	Wergin
Dille	Ingebrigtsen	Limmer	Robling	
Fischbach	Johnson	Michel	Rosen	
Gerlach	Jungbauer	Neuville	Senjem	
Gimse	Koch	Ortman	Vandever	

Those who voted in the negative were:

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

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

S.F. No. 2190 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 46 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Lourey	Prettner Solon	Sparks
Bakk	Doll	Lynch	Rest	Stumpf
Berglin	Erickson Ropes	Marty	Rummel	Tomassoni
Betzold	Foley	Metzen	Saltzman	Torres Ray
Bonoff	Frederickson	Moua	Saxhaug	Vickerman
Carlson	Higgins	Murphy	Senjem	Wiger
Chaudhary	Koering	Olseen	Sheran	
Clark	Langseth	Olson, M.	Sieben	
Cohen	Larson	Pappas	Skoe	
Dibble	Latz	Pogemiller	Skogen	

Those who voted in the negative were:

Day	Hann	Koch	Pariseau	Wergin
Fischbach	Ingebrigtsen	Limmer	Robling	
Gerlach	Johnson	Michel	Rosen	
Gimse	Jungbauer	Ortman	Vandever	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

### REPORTS OF COMMITTEES

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

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 475:** A bill for an act relating to health; changing the expiration date for radiation therapy facility construction limitations; amending Minnesota Statutes 2006, section 144.5509.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 144.5509, is amended to read:

**144.5509 RADIATION THERAPY FACILITY CONSTRUCTION.**

(a) A radiation therapy facility may be constructed only by an entity owned, operated, or controlled by a hospital licensed according to sections 144.50 to 144.56 either alone or in cooperation with another entity if the hospital will derive at least 90 percent of the financial benefit of the facility and the hospital has no existing radiation facility unless the new facility is a relocation of an existing facility within one mile of the existing facility's location.

~~(b) This section expires August 1, 2013.~~

**EFFECTIVE DATE.** This section is effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 1959:** A bill for an act relating to health professions; allowing the return of drugs dispensed by pharmacies in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 151.

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

Delete everything after the enacting clause and insert:

"Section 1. **[151.56] COUNTY RETURN OF UNUSED DRUGS OR MEDICAL DEVICES.**

Notwithstanding Minnesota Rules, part 6800.2700, pharmacies may accept returns of and redispense unopened, unused drugs in board approved unit dose packaging and medical devices from county jails and juvenile correctional facilities. In order to return unused drugs and medical devices, the county jail or juvenile correctional facility must have a correctional employee trained in the delivery and storage of medications on hand twenty-four hours a day, seven days a week, and the medication must be stored in a secured lock storage locker."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**H.F. No. 2090:** A bill for an act relating to health; limiting requirements related to backflow prevention in recreational camping areas; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

**H.F. No. 1004** 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.
1004	809				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1004 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1004, the third engrossment; and insert the language after the enacting clause of S.F. No. 809, the second engrossment; further, delete the title of H.F. No. 1004, the third engrossment; and insert the title of S.F. No. 809, the second engrossment.

And when so amended H.F. No. 1004 will be identical to S.F. No. 809, and further recommends that H.F. No. 1004 be given its second reading and substituted for S.F. No. 809, 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 SENATE BILLS**

S.F. Nos. 475 and 1959 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 2090 and 1004 were read the second time.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Olson, G. moved that the name of Senator Sheran be added as a co-author to S.F. No. 506. The motion prevailed.

Senator Kubly moved that the name of Senator Sheran be added as a co-author to S.F. No. 1649. The motion prevailed.

Senator Michel moved that the name of Senator Rest be added as a co-author to S.F. No. 2206. The motion prevailed.

Senator Prettner Solon moved that S.F. No. 1724, No. 90 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

**Senator Koch introduced –**

**Senate Resolution No. 69:** A Senate resolution congratulating Caitlin M. Scott for receiving the Girl Scout Gold Award.

Referred to the Committee on Rules and Administration.

**Senators Koch, Dille and Wergin introduced –**

**Senate Resolution No. 70:** A Senate resolution congratulating the Buffalo High School Mock Trial team on winning the 2007 Mock Trial State Competition.

Referred to the Committee on Rules and Administration.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bill was read the first time.

**Senator Pogemiller introduced–**

**S.F. No. 2211:** A bill for an act relating to elections; establishing districting principles for legislative and congressional plans; providing for appointment of a commission to recommend the boundaries of legislative and congressional districts; limiting redistricting to once per decade; amending Minnesota Statutes 2006, section 2.021; proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 2006, section 2.031.

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



**MEMBERS EXCUSED**

Senators Olson, G. and Scheid were excused from the Session of today. Senator Marty was excused from the Session of today from 8:00 to 8:20 a.m. Senators Johnson, Ortman, Pappas, Pariseau and Sheran were excused from the Session of today from 8:00 to 8:30 a.m. Senator Vandeverer was excused from the Session of today from 8:00 to 8:40 a.m. Senator Chaudhary was excused from the Session of today from 8:00 to 9:30 a.m. Senator Sieben was excused from the Session of today from 8:00 to 11:00 a.m.

**ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Tuesday, April 10, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

**PROTEST AND DISSENT**

March 31, 2007

The Honorable James P. Metzen  
President of the Senate

Dear Senator President

Pursuant to Article IV, Section 11, of the Minnesota Constitution, the following Members of the Minnesota State Senate hereby Dissent and Protest to the following acts of the Minnesota State Senate because we believe they injure the citizens of the State of Minnesota in the following manner:

1. S.F. 1611 is a bill that passed the Senate on March 31, 2007.
2. S.F. 1611 contains new education policies and \$443.7 million in new appropriations for fiscal years 2008 and 2009, which is the second largest spending bill to be considered by the Senate in 2007. These appropriations and policies affect pre-school education, child care providers, K-12 public and nonpublic schools, tribal contract schools, the Minnesota State Colleges and Universities, the University of Minnesota, the Minnesota Department of Education, the Minnesota Department of Human Services, and the Minnesota Office of Higher Education.
3. S.F. 1611 also contains significant tax increases on the personal income of Minnesota taxpayers by creating a new income tax bracket, a new income tax rate, and changes to the existing alternative minimum tax. These combined changes to Minnesota's tax code are projected to increase taxes by \$993.1 million for fiscal year 2008 and 2009.
4. S.F. 1611 misleads the public and is not honest, straightforward, or transparent because its title does not indicate a tax increase is contained within the bill.
5. S.F. 1611 does not follow the budget process set forth in Rule 7 of the Minnesota Senate.
6. S.F. 1611 is in clear violation of Article IV, Section 17, of the Minnesota Constitution, which states that "No law shall embrace more than one subject." S.F. 1611 is an education policy and spending bill as well as a revenue raising bill. This unconstitutional and illicit combining of more

than one subject in S.F. 1611 violates the wording, intent, and historical lawmaking process of the State of Minnesota.

The following Members of the Minnesota Senate hereby enter their Dissent and Protest by signing below.

Senators (Signed): Tom Neuville, David Hann, David Senjem, Dick Day, Chris Gerlach, Michelle Fischbach, Julianne E. Ortman, Claire Robling, Geoff Michel, Amy T. Koch, Steve Dille, Michael Jungbauer, Ray Vanderveer, Julie Rosen, Debbie Johnson, Bill Ingebrigtsen, Warren Limmer, Betsy L. Wergin, Patricia Pariseau, Dennis Frederickson, Joseph R. Gimse, Paul Koering

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