

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

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SIXTIETH DAY

St. Paul, Minnesota, Wednesday, May 2, 2007

The Senate met at 1:30 p.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. Lawrence Blake.

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.

April 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. 1098 and 1069.

Sincerely,  
Tim Pawlenty, Governor

April 30, 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
	2090	24	2:25 p.m. April 30	April 30
	1490	25	2:45 p.m. April 30	April 30
1098		26	2:29 p.m. April 30	April 30
1069		28	2:38 p.m. April 30	April 30

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. 1735, 1787, 321, 1920, 1790 and 1266.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 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. 358:** A bill for an act relating to adoption; providing assistance to genetic siblings; amending Minnesota Statutes 2006, section 259.83, by adding a subdivision.

Senate File No. 358 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 2007

### CONCURRENCE AND REPASSAGE

Senator Olson, M. moved that the Senate concur in the amendments by the House to S.F. No. 358 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 358 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 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Vandev eer

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. 555:** A bill for an act relating to health; extending essential community provider designation; amending Minnesota Statutes 2006, section 62Q.19, subdivisions 2, 6.

Senate File No. 555 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 2007

**CONCURRENCE AND REPASSAGE**

Senator Berglin moved that the Senate concur in the amendments by the House to S.F. No. 555 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 555 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1193:** A bill for an act relating to motor fuels; updating specifications for petroleum products; modifying definitions of certain petroleum terms; amending Minnesota Statutes 2006, sections 239.761; 239.77, subdivisions 1, 2; 296A.01, subdivisions 7, 8, 14, 20, 23, 24, 25, 26, 28, 42, by adding a subdivision; repealing Minnesota Statutes 2006, section 239.101, subdivision 7.

Senate File No. 1193 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 2007

Senator Johnson moved that S.F. No. 1193 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 116.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 1, 2007

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 116:** A bill for an act relating to commerce; imposing certain customer sales or service call center requirements; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Rules and Administration.

### MOTIONS AND RESOLUTIONS

**Senator Dibble introduced –**

**Senate Resolution No. 87:** A Senate resolution recognizing and encouraging international education as an essential component of Minnesota's future.

Referred to the Committee on Rules and Administration.

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

### CALENDAR

**S.F. No. 1312:** A bill for an act relating to environment and natural resources policy; creating a state recreation area advisory council; providing certain environmental and travel programs; modifying water supply plan requirements; modifying state park permit provisions; requiring and authorizing the initiation of rulemaking for aquatic plant management permits and shoreland standards; modifying restrictions related to off-highway vehicle use; providing for state forest traditional areas; restricting the licensing of certain public water for minnows; modifying the definition of a game bird; designating a state wildlife management area; modifying provisions for taking animals causing damage; changing the license year for fishing, fish house, and dark house licenses; modifying certain wild animal possession and taking restrictions; providing for an apprentice hunter validation; exempting persons with military training from the range and shooting exercise portion of the required course for a firearm safety certificate; removing ban on smokeless gunpowder in muzzleloaders; providing for the minimum draw weight for bows used to take big game; allowing remote-controlled animal noise callers to take unprotected wild animals; authorizing the commissioner of natural resources to issue special permits for taking bear for certain purposes; modifying certain angling seasons; modifying Lake Superior commercial fishing provisions; providing criminal and civil penalties; providing for a walk-in public access plan for certain outdoor recreation; modifying land owners' bill of rights; requiring approved firewood on land administered by the commissioner of natural resources; modifying recordation requirements for mineral interests; increasing payments in lieu of taxes for certain lands; adding to and deleting from state parks, state trails, and state recreation areas; authorizing public and private sales and conveyances of certain state lands; authorizing a 20-year lease of certain

tax-forfeited land; exempting certain exchanged land from the tax-forfeited land assurance fee; providing for temporary suspension of apportionment of certain net proceeds in Lake County; modifying agency service requirements; modifying provisions for wetland conservation; requiring rulemaking; restricting outdoor light pollution; modifying exemptions to noise standards; restricting the use of phosphorus in household dishwasher detergent; modifying licensing requirements for design, installation, maintenance, inspection, or operation of individual sewage treatment systems; extending the prohibition on new open air swine basins; prohibiting the sale of certain mercury-containing products; modifying restrictions on the sale, use, and disposal of certain mercury-containing products; requiring certain consumer information; modifying lamp recycling facility operation requirements; delaying phosphorus reduction requirements on wastewater treatment facilities; requiring reports; providing for community forest management; providing for control of forest and shade tree pests; modifying requirements for ditch buffers; requiring annual drainage authority reports; modifying drainage repair and inspection requirements; appropriating money; amending Minnesota Statutes 2006, sections 15.99, subdivision 3; 17.4984, subdivision 1; 18G.03, by adding a subdivision; 18G.11; 84.0272, subdivision 3; 84.0274, subdivision 5; 84.777; 84.9256, subdivision 2, by adding a subdivision; 84.9257; 84.926, by adding a subdivision; 84.928, subdivision 1; 84D.14; 85.013, by adding a subdivision; 85.015, subdivision 22; 85.053, subdivisions 2, 8; 85.054, by adding a subdivision; 88.01, by adding a subdivision; 88.79, subdivisions 1, 2; 88.82; 89.001, subdivision 8, by adding subdivisions; 89.01, subdivisions 1, 2, 4; 89.51, subdivisions 1, 6, 9; 89.52; 89.53; 89.54; 89.55; 89.56, subdivisions 1, 3; 89.57; 89.58; 89.59; 89.60; 89.61; 93.55, subdivision 1; 97A.015, subdivision 24, by adding a subdivision; 97A.133, by adding a subdivision; 97A.205; 97A.401, subdivision 5; 97A.405, subdivisions 2, 4; 97A.411, subdivision 1; 97A.421, by adding a subdivision; 97A.451, subdivision 3; 97A.475, subdivision 2; 97A.505, subdivision 4; 97A.511; 97B.015, by adding a subdivision; 97B.020; 97B.035, by adding a subdivision; 97B.075; 97B.085, subdivision 3; 97B.301, subdivision 7; 97B.311; 97B.405; 97B.928, subdivision 1; 97C.325; 97C.355, subdivision 8; 97C.395, subdivision 1; 97C.835, subdivisions 1, 3, 8; 103E.021, subdivisions 1, 2, 3, by adding a subdivision; 103E.315, subdivision 8; 103E.321, subdivision 1; 103E.701, by adding a subdivision; 103E.705, subdivisions 1, 2, 3; 103E.728, subdivision 2; 103F.205, subdivision 1; 103G.222, subdivision 3; 103G.2241, subdivisions 3, 4, 6, 11; 103G.2242, subdivisions 2, 2a, 9, 12, 15; 103G.2243, subdivision 2; 103G.291, subdivision 3; 103G.311, subdivision 2; 115.072; 115.56, subdivision 2; 115A.932, subdivision 1; 115B.17, subdivision 15; 116.07, subdivision 2a; 116.0714; 116.23; 116.92, subdivisions 3, 7a, by adding subdivisions; 116.93, subdivision 2; 169A.35, subdivision 1; 219.99; 473.1565, subdivision 1; 473.859, subdivision 3; Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended; Laws 2006, chapter 236, article 1, section 21; Laws 2006, chapter 251, section 16; proposing coding for new law in Minnesota Statutes, chapters 16B; 84; 85; 89; 97B; 97C; 103E; 103F; 116; 121A; proposing coding for new law as Minnesota Statutes, chapter 114E; repealing Minnesota Statutes 2006, sections 18G.16; 84.928, subdivision 8; 85.012, subdivision 24b; 89.51, subdivision 8; 97A.475, subdivision 38; 97C.365; 103G.2241, subdivision 8; 115.03, subdivision 10; Laws 2006, chapter 236, article 1, section 2.

Was read the third time.

Senator Pariseau moved that S.F. No. 1312 be stricken and placed on General Orders. The motion prevailed.

**S.F. No. 1398:** A bill for an act relating to health care; providing for patient visitation by health care agents; establishing and specifying visitation rights and the right to designate a domestic

partner for certain purposes; amending Minnesota Statutes 2006, sections 144.651, subdivision 26; 145C.05; 145C.07, 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 43 and nays 22, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Gimse	Koch	Pariseau	Vickerman
Dille	Hann	Limmer	Robling	Wergin
Fischbach	Ingebrigtsen	Neuville	Rosen	
Frederickson	Johnson	Olson, G.	Senjem	
Gerlach	Jungbauer	Ortman	Vanderveer	

So the bill passed and its title was agreed to.

### MEMBERS EXCUSED

Senator Stumpf was excused from the Session of today. Senator Scheid was excused from the Session of today from 1:30 to 1:55 p.m. Senator Rummel was excused from the Session of today from 1:35 to 1:45 p.m. Senator Lynch was excused from the Session of today from 1:40 to 1:55 p.m.

### ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 1:30 p.m., Thursday, May 3, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





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