

FOURTH DAY

St. Paul, Minnesota, Thursday, January 15, 2009

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. Paul Rogers.

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

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

December 18, 2008

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:

PUBLIC UTILITIES COMMISSION

David C. Boyd, Ph.D., 22399 Wagonwheel Tr., Lakeville, in the county of Dakota, effective January 5, 2009, for a term that expires on January 5, 2015.

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

Sincerely,
Tim Pawlenty, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 1: A Senate concurrent resolution relating to the adoption of temporary joint rules.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned January 12, 2009

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, AS AMENDED, herewith returned:

Senate Concurrent Resolution No. 2: A Senate concurrent resolution relating to parking space in the capitol area for members of the Legislature and staff.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned January 12, 2009

Senator Pogemiller moved that Senate Concurrent Resolution No. 2 be referred to the Committee on Rules and Administration. The motion prevailed.

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 4: A Senate concurrent resolution relating to adjournment for more than three days.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned January 12, 2009

REPORTS OF COMMITTEES

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

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

S.F. No. 42: A bill for an act relating to traffic regulations; making seat belt violation a primary offense in all seating positions regardless of age; making technical changes; providing for surcharge; amending Minnesota Statutes 2008, sections 169.686, subdivisions 1, 2, by adding a subdivision; 171.05, subdivision 2b; 171.055, subdivision 2; 357.021, subdivisions 6, 7.

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

Page 2, delete lines 5 and 6

Page 3, delete lines 27 and 28

Page 4, delete lines 31 and 32

Page 5, delete lines 27 and 28

Page 6, delete lines 21 and 22 and insert:

"Sec. 8. CITATION.

This act may be cited as the "Kathryn Swanson Seat Belt Safety Act."

Sec. 9. EFFECTIVE DATE.

This act is effective June 9, 2009, and applies to acts committed on or after that date."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

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

S.F. No. 33: A bill for an act relating to pupil transportation; modifying qualifications for type III school bus drivers; amending Minnesota Statutes 2008, section 171.02, subdivision 2b.

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

Senator Cohen from the Committee on Finance, to which was re-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 be amended as follows:

Page 1, line 7, before "means" insert ", unless otherwise provided in this subdivision,"

Page 1, line 10, delete everything after the period

Page 1, line 11, delete everything before "The"

Page 2, after line 34, insert:

"(e) Notwithstanding paragraph (a), the base period calculated under paragraph (b) using the first four of the last five complete calendar quarters before the effective date of the applicant's application for unemployment benefits must be used for an applicant if the applicant has more wage credits under that base period than under the base period in paragraph (a)."

Page 2, line 36, delete "April" and insert "July"

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

SECOND READING OF SENATE BILLS

S.F. No. 4 was read the second time.

MOTIONS AND RESOLUTIONS

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

Senator Wiger moved that the name of Senator Saltzman be added as a co-author to S.F. No. 19. The motion prevailed.

Senator Wiger moved that the name of Senator Saltzman be added as a co-author to S.F. No. 21. The motion prevailed.

Senator Wiger moved that the names of Senators Saltzman and Dahle be added as co-authors to S.F. No. 22. The motion prevailed.

Senator Wiger moved that the names of Senators Saltzman and Dahle be added as co-authors to S.F. No. 23. The motion prevailed.

Senator Scheid moved that the name of Senator Rummel be added as a co-author to S.F. No. 54. The motion prevailed.

Senator Senjem moved that the name of Senator Lynch be added as a co-author to S.F. No. 58. The motion prevailed.

Senator Lynch moved that the name of Senator Rummel be added as a co-author to S.F. No. 59. The motion prevailed.

Senator Tomassoni moved that the name of Senator Rest be added as a co-author to S.F. No. 61. The motion prevailed.

Senator Saltzman moved that the name of Senator Rummel be added as a co-author to S.F. No. 71. The motion prevailed.

Senator Clark moved that the names of Senators Bonoff, Wiger, Saxhaug and Michel be added as co-authors to S.F. No. 72. The motion prevailed.

Senators Pogemiller and Senjem introduced –

Senate Resolution No. 18: A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The miles traveled by members of the Senate for the 86th Legislature in each round trip going to and returning from the Capitol to their places of residence are as follows:

MEMBER	MILEAGE
ANDERSON, Ellen R.	0
BAKK, Thomas M.	470
BERGLIN, Linda	21
BETZOLD, Don	30
BONOFF, Terri	42
CARLSON, Jim	28
CHAUDHARY, Satveer	30
CLARK, Tarryl	158
COHEN, Richard J.	0
DAHLE, Kevin L.	96
DAY, Dick	140
DIBBLE, D. Scott	26
DILLE, Steve	150
DOLL, John	32
ERICKSON ROPES, Sharon	260
FISCHBACH, Michelle L.	204
FOBBE, Lisa A.	120
FOLEY, Leo T.	56
FREDERICKSON, Dennis R.	210
GERLACH, Chris	40
GIMSE, Joseph R.	200
HANN, David	56

HIGGINS, Linda	24
INGEBRIGTSEN, Bill	300
JOHNSON, Debbie J.	60
JUNGBAUER, Michael J.	76
KELASH, Ken	28
KOCH, Amy T.	104
KOERING, Paul E.	290
KUBLY, Gary W.	264
LANGSETH, Keith	472
LATZ, Ron	32
LIMMER, Warren	50
LOUREY, Tony	236
LYNCH, Ann	160
MARTY, John	24
METZEN, James P.	15
MICHEL, Geoff	43
MOUA, Mee	12
MURPHY, Steve	102
OLSEEN, Rick	118
OLSON, Gen	70
OLSON, Mary	480
ORTMAN, Julianne E.	49
PAPPAS, Sandra L.	0
PARISEAU, Pat	64
POGEMILLER, Lawrence J.	20
PRETTNER SOLON, Yvonne	330
REST, Ann H.	40
ROBLING, Claire A.	76
ROSEN, Julie A.	340
RUMMEL, Sandy	25
SALTZMAN, Kathy	25
SAXHAUG, Tom	390
SCHEID, Linda	44
SENJEM, David H.	152

SHERAN, Kathy 180
 SIEBEN, Katie 26
 SKOE, Rod 540
 SKOGEN, Dan 342
 SPARKS, Dan 204
 STUMPF, LeRoy A. 649
 TOMASSONI, David J. 404
 TORRES RAY, Patricia 14
 VANDEVEER, Ray 52
 VICKERMAN, Jim 336
 WIGER, Charles W. 16

Senator Pogemiller moved that Senate Resolution No. 18 be laid on the table. 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.

Senators Scheid and Prettner Solon introduced–

S.F. No. 77: A bill for an act relating to human services; authorizing licensure of four intermediate care facilities for persons with developmental disabilities to replace one larger facility; establishing a transition period rate; establishing payment rate for the new facilities; appropriating money; amending Minnesota Statutes 2008, section 252.295.

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

Senators Michel and Koch introduced–

S.F. No. 78: A bill for an act relating to elections; providing term limits for state legislators and constitutional officers; proposing an amendment to the Minnesota Constitution, article IV, section 6; and article V, sections 2 and 4.

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

Senators Tomassoni and Rest introduced–

S.F. No. 79: A bill for an act relating to local government; authorizing the Central Iron Range Sanitary Sewer District.

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

Senators Rest, Sieben, Gimse, Olseen and Michel introduced—

S.F. No. 80: A bill for an act relating to elections; campaign finance; providing contribution limits for judicial candidates; amending Minnesota Statutes 2008, section 10A.27, subdivision 1.

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

Senators Dibble, Rest, Torres Ray, Carlson and Doll introduced—

S.F. No. 81: A bill for an act relating to transportation; maintaining airline operations at Minneapolis-St. Paul International Airport; enforcing certain contractual obligations and rights.

Referred to the Committee on Transportation.

Senators Latz, Clark, Moua, Cohen and Scheid introduced—

S.F. No. 82: A bill for an act relating to state government; establishing the Minnesota False Claims Act; assessing penalties; proposing coding for new law as Minnesota Statutes, chapter 15C.

Referred to the Committee on Judiciary.

Senators Bonoff, Higgins, Saltzman, Gimse and Limmer introduced—

S.F. No. 83: A bill for an act relating to public safety; designating a specified law as the "Teri Lee Law"; amending Minnesota Statutes 2008, section 299C.46, subdivision 6.

Referred to the Committee on Judiciary.

Senators Michel and Hann introduced—

S.F. No. 84: A bill for an act relating to education; directing the state of Minnesota to end participation in the No Child Left Behind Act.

Referred to the Committee on Education.

Senators Carlson, Doll and Dibble introduced—

S.F. No. 85: A bill for an act relating to certain state contracts; requiring full enforcement of certain agreements between the state and an airline company.

Referred to the Committee on Business, Industry and Jobs.

Senators Bonoff, Rest and Michel introduced—

S.F. No. 86: A bill for an act relating to education finance; modifying alternative teacher pay calculation for intermediate school districts; amending Minnesota Statutes 2008, sections 122A.415, subdivision 1; 126C.10, subdivision 34.

Referred to the Committee on Finance.

Senator Koering introduced–

S.F. No. 87: A bill for an act relating to domestic abuse; designating October as domestic violence awareness month in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 10.

Referred to the Committee on Judiciary.

Senator Koering introduced–

S.F. No. 88: A bill for an act relating to highways; appropriating money to reconstruct highway 25 through city of Pierz; authorizing sale of trunk highway bonds.

Referred to the Committee on Finance.

Senators Kelash, Metzen, Tomassoni and Bakk introduced–

S.F. No. 89: A bill for an act relating to unemployment compensation; modifying definitions; amending Minnesota Statutes 2008, sections 268.035, subdivision 21a; 268.085, subdivision 15.

Referred to the Committee on Business, Industry and Jobs.

Senators Anderson, Murphy and Pappas introduced–

S.F. No. 90: A bill for an act relating to transportation; directing commissioner of transportation to add bikeway to Lafayette Bridge when rebuilt.

Referred to the Committee on Transportation.

Senators Rest, Gimse, Carlson, Gerlach and Cohen introduced–

S.F. No. 91: A bill for an act relating to state government; requiring a Web site with a searchable database of state expenditures; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2008, section 16C.046.

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

Senators Vandever and Rosen introduced–

S.F. No. 92: A bill for an act relating to health; expanding the health professional education loan forgiveness program for child mental health professionals; appropriating money; amending Minnesota Statutes 2008, section 144.1501, subdivision 2.

Referred to the Committee on Finance.

Senators Latz, Betzold, Hann, Scheid and Moua introduced–

S.F. No. 93: A bill for an act relating to state tort claims; removing the single occurrence liability

cap; conforming cross references; amending Minnesota Statutes 2008, sections 3.736, subdivision 4, as amended; 3.7393, subdivision 11; 3.7394, subdivision 6.

Referred to the Committee on Judiciary.

Senators Latz, Betzold, Hann, Scheid and Moua introduced—

S.F. No. 94: A bill for an act relating to claims against the state; clarifying provisions governing the I-35W bridge collapse survivor compensation process; specifying indemnification rights; limiting access to certain records of the special master panel and specifying testimonial privileges; clarifying prohibition on third-party subrogation or recovery claims; amending Minnesota Statutes 2008, sections 3.7393, subdivisions 3, 6, by adding a subdivision; 3.7394, subdivision 4.

Referred to the Committee on Judiciary.

Senator Cohen introduced—

S.F. No. 95: A bill for an act relating to state government finance; providing deficiency funding for certain state agencies; appropriating money.

Referred to the Committee on Finance.

Senators Murphy, Koch, Prettner Solon, Jungbauer and Rosen introduced—

S.F. No. 96: A bill for an act relating to energy; abolishing prohibition on issuing certificate of need for new nuclear power plant; amending Minnesota Statutes 2008, section 216B.243, subdivision 3b.

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

Senators Murphy, Michel, Johnson, Higgins and Marty introduced—

S.F. No. 97: A bill for an act relating to health; providing for the medical use of marijuana; providing civil and criminal penalties; appropriating money; amending Minnesota Statutes 2008, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Senator Rest introduced—

S.F. No. 98: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article V, sections 1, 2, 5; abolishing the office of lieutenant governor.

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

Senators Carlson, Jungbauer, Dibble, Michel and Murphy introduced—

S.F. No. 99: A bill for an act relating to traffic regulations; requiring restraint of child under age eight and shorter than four feet nine inches while passenger in motor vehicle; amending Minnesota

Statutes 2008, section 169.685, subdivision 5.

Referred to the Committee on Transportation.

Senators Rest, Bonoff, Scheid, Moua and Limmer introduced–

S.F. No. 100: A bill for an act relating to taxation; eliminating the imposition and refund of sales tax on capital equipment; eliminating an obsolete provision; amending Minnesota Statutes 2008, sections 297A.68, subdivision 5; 297A.75.

Referred to the Committee on Taxes.

Senators Sieben, Dibble and Murphy introduced–

S.F. No. 101: A bill for an act relating to capital improvements; appropriating money for Minnesota to Chicago High Speed Rail Corridor; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Sieben and Murphy introduced–

S.F. No. 102: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Red Rock Corridor Transit Way.

Referred to the Committee on Finance.

Senator Olseen introduced–

S.F. No. 103: A bill for an act relating to the city of Taylors Falls; authorizing the city of Taylors Falls to establish and exercise border city development zone powers; appropriating money.

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

Senator Murphy introduced–

S.F. No. 104: A bill for an act relating to the city of Cannon Falls; authorizing the city to use a design-build process to award contracts for construction of a library and fire station.

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

Senator Murphy introduced–

S.F. No. 105: A bill for an act relating to game and fish; modifying definition of bait or feed; amending Minnesota Statutes 2008, section 97B.328, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Senators Latz, Moua, Scheid, Gerlach and Olson, M. introduced–

S.F. No. 106: A bill for an act relating to consumer protection; requiring the attorney general

to maintain a consumer complaint database; amending Minnesota Statutes 2008, section 8.32, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

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

S.F. No. 107: A bill for an act relating to state government; clarifying and strengthening laws prohibiting misuse of state funds; amending Minnesota Statutes 2008, sections 3.975; 16A.139; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Senators Bakk and Senjem introduced—

S.F. No. 108: A bill for an act relating to taxation; property taxes; eliminating sunset date for emergency medical services special taxing districts; amending Laws 2001, First Special Session chapter 5, article 3, section 8, as amended.

Referred to the Committee on Taxes.

Senators Lourey, Koering, Skogen, Murphy and Senjem introduced—

S.F. No. 109: A bill for an act relating to health; establishing a medical response unit reimbursement pilot program; funding emergency medical services programs; appropriating money.

Referred to the Committee on Finance.

Senator Lourey introduced—

S.F. No. 110: A bill for an act relating to capital improvements; appropriating money for well improvements in the city of Barnum; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Lourey introduced—

S.F. No. 111: A bill for an act relating to capital improvements; appropriating money for a wastewater treatment facility in Willow River; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Lourey introduced—

S.F. No. 112: A bill for an act relating to capital improvements; appropriating money for water distribution improvements in Carlton County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Lourey introduced–

S.F. No. 113: A bill for an act relating to capital improvements; appropriating money for water and sewer utility improvement project in the city of Carlton; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Lourey introduced–

S.F. No. 114: A bill for an act relating to capital improvements; appropriating money for water main improvements in Carlton County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Dibble, Pappas, Bakk, Anderson and Marty introduced–

S.F. No. 115: A bill for an act relating to health; establishing a right to reproductive privacy; proposing coding for new law as Minnesota Statutes, chapter 145D.

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

Senator Vickerman introduced–

S.F. No. 116: A bill for an act relating to agricultural finance; making technical changes to a statute concerning seed potato inspection fees; amending Minnesota Statutes 2008, section 21.115.

Referred to the Committee on Finance.

Senator Wiger introduced–

S.F. No. 117: A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2008, sections 13.32, by adding a subdivision; 120A.22, subdivisions 5, 6; 120A.24, subdivision 1; 120B.02; 120B.021, subdivisions 1, 1a; 120B.023, subdivision 2; 120B.024; 120B.30; 121A.035, subdivision 2; 121A.037; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.14, by adding subdivisions; 122A.18, by adding a subdivision; 122A.75, subdivision 1; 123B.02, subdivision 21; 123B.14, subdivision 7; 123B.51, by adding a subdivision; 123B.77, subdivision 3; 123B.81, subdivisions 3, 4, 5; 123B.83, subdivision 3; 124D.09, subdivision 5; 124D.095, subdivisions 4, 7, 10; 124D.10, subdivisions 2a, 4, 4a, 6, 6a, 7, 8, 9, 20, 23, 23a; 124D.19, subdivision 14; 124D.522; 124D.60, subdivision 1; 125A.14; 125A.15; 125A.51; 125A.744, subdivision 3; 126C.40, subdivision 6; 134.31, subdivision 4a, by adding a subdivision; 260C.007, subdivision 19; 299F.30, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 1; 121A; 124D; 127A; repealing Minnesota Statutes 2008, sections 120A.22, subdivision 8; 121A.67; 125A.16; 125A.19; 125A.20; 125A.57; Laws 2008, chapter 263, article 3, section 16.

Referred to the Committee on Education.

Senators Marty, Erickson Ropes, Doll, Berglin and Murphy introduced–

S.F. No. 118: A bill for an act relating to health; guaranteeing that all necessary health care is available and affordable for every Minnesotan; establishing the Minnesota Health Plan, Minnesota Health Board, Minnesota Health Fund, Office of Health Quality and Planning, ombudsman for patient advocacy, and inspector general for the Minnesota Health Plan; appropriating money; amending Minnesota Statutes 2008, sections 14.03, subdivisions 2, 3; 15A.0815, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 62V.

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

Senators Anderson, Ingebrigtsen and Saxhaug introduced–

S.F. No. 119: A bill for an act relating to game and fish; providing support for the Lessard Outdoor Heritage Council; appropriating money.

Referred to the Committee on Finance.

Senators Marty, Higgins, Dibble, Moua and Torres Ray introduced–

S.F. No. 120: A bill for an act relating to marriage; providing for gender-neutral marriage laws; enacting the Marriage and Family Protection Act; amending Minnesota Statutes 2008, sections 363A.27; 517.01; 517.03, subdivision 1; 517.08, subdivision 1a; 517.09.

Referred to the Committee on Judiciary.

Senators Saxhaug, Olson, G.; Lynch; Anderson and Stumpf introduced–

S.F. No. 121: A bill for an act relating to natural resources; specifying that money received from certain utility permits be deposited in the permanent school fund; allowing exchanges of riparian lands administered by the commissioner of natural resources for other lands administered by the commissioner without certain restrictions; amending Minnesota Statutes 2008, sections 84.415, subdivision 5; 94.342, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Senators Dibble, Betzold, Dille and Anderson introduced–

S.F. No. 122: A bill for an act relating to pet animals; requiring a notice for retail sales of cocoa bean shell mulch; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Agriculture and Veterans.

Senator Betzold introduced–

S.F. No. 123: A bill for an act relating to civil law; providing a general exemption for certain property owned by a debtor; amending Minnesota Statutes 2008, section 550.37, by adding a subdivision.

Referred to the Committee on Judiciary.

Senators Dille and Hann introduced–

S.F. No. 124: A bill for an act relating to taxation; repealing political contribution refund; amending Minnesota Statutes 2008, sections 270A.03, subdivision 7; 289A.50, subdivision 1; 290.01, subdivision 6; repealing Minnesota Statutes 2008, sections 10A.322, subdivision 4; 290.06, subdivision 23.

Referred to the Committee on Taxes.

Senator Sheran introduced–

S.F. No. 125: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Southern Minnesota Women's Hockey Exposition Center and a performing arts center.

Referred to the Committee on Finance.

Senators Dille, Murphy, Gimse and Hann introduced–

S.F. No. 126: A bill for an act relating to energy; abolishing existing prohibition on issuing certificate of need for new nuclear power plant; amending Minnesota Statutes 2008, section 216B.243, subdivision 3b.

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

Senators Latz, Sheran, Prettner Solon, Koering and Senjem introduced–

S.F. No. 127: A bill for an act relating to human services; establishing a crisis nursery grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256F.

Referred to the Committee on Finance.

Senators Sheran; Lourey; Erickson Ropes; Olson, M. and Koering introduced–

S.F. No. 128: A bill for an act relating to human services; requesting the commissioner of human services to resubmit for federal approval the elimination of depreciation add-back for self-employed farmers in MinnesotaCare.

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

Senators Dibble; Anderson; Olson, M. and Doll introduced–

S.F. No. 129: A bill for an act relating to consumer protection; allowing residents to decline to receive local telephone directories; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Consumer Protection.

Senators Olson, M.; Bakk; Skogen and Saxhaug introduced–

S.F. No. 130: A bill for an act relating to public finance; altering the school district referendum market value tax base; modifying the taxation of seasonal recreational property; amending Minnesota Statutes 2008, sections 126C.01, subdivision 3; 275.025, subdivisions 1, 4; repealing Minnesota Statutes 2008, section 275.025, subdivision 3.

Referred to the Committee on Taxes.

Senators Bonoff, Limmer, Latz, Robling and Rest introduced–

S.F. No. 131: A bill for an act relating to the State Board of Investment; requiring divestment from certain investments relating to Iran; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 11A.

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

RECESS

Senator Pogemiller moved that the Senate do now recess until immediately after the conclusion of the Joint Convention, subject to the call of the President. The motion prevailed.

At the appropriate time, the President called the Senate to order.

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED**CONFIRMATION**

Senator Murphy moved that the report from the Committee on Transportation, reported January 12, 2009, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Murphy moved that the foregoing report be now adopted. The motion prevailed.

Senator Murphy moved that in accordance with the report from the Committee on Transportation, reported January 12, 2009, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF TRANSPORTATION
COMMISSIONER**

Thomas K. Sorel, 11397 Halstead Tr., Woodbury, Washington County, effective April 27, 2008, to complete a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 4 and that the rules of the Senate be so far suspended as to give S.F. No. 4, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

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.

Senator Michel moved to amend S.F. No. 4 as follows:

Page 3, after line 4, insert:

"Sec. 2. Minnesota Statutes 2008, section 290.06, subdivision 1, is amended to read:

Subdivision 1. **Computation, corporations.** (a) For taxable years beginning before January 1, 2010, the franchise tax imposed upon corporations shall be computed by applying to their taxable income the rate of 9.8 percent.

(b) For taxable years beginning after December 31, 2009, the rate listed below applies to taxable years beginning during the calendar year references below.

<u>Taxable years beginning during the calendar year:</u>	<u>Tax rate:</u>
<u>2010</u>	<u>8.8 percent</u>
<u>2011</u>	<u>7.8 percent</u>
<u>2012</u>	<u>6.8 percent</u>
<u>2013</u>	<u>5.8 percent</u>
<u>2014</u>	<u>4.8 percent</u>
<u>2015</u>	<u>3.8 percent</u>
<u>2016</u>	<u>2.8 percent</u>
<u>2017</u>	<u>1.8 percent</u>
<u>2018</u>	<u>0.8 percent</u>
<u>2019 and later years</u>	<u>0</u>

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009.

Sec. 3. Minnesota Statutes 2008, section 290.0921, subdivision 1, is amended to read:

Subdivision 1. **Tax imposed.** (a) In addition to the taxes computed under this chapter without regard to this section, the franchise tax imposed on corporations includes a tax equal to the excess, if any, for the taxable year of:

(1) 5.8 the percent of Minnesota alternative minimum taxable income under paragraph (b) for

the taxable year; over

(2) the tax imposed under section 290.06, subdivision 1, without regard to this section.

(b) For taxable years beginning after December 31, 2009, the rate listed below applies to taxable years beginning during the calendar year referenced below.

<u>Taxable years beginning during the calendar year:</u>	<u>Tax rate:</u>
<u>2010</u>	<u>4.6 percent</u>
<u>2011</u>	<u>4.1 percent</u>
<u>2012</u>	<u>3.6 percent</u>
<u>2013</u>	<u>3.0 percent</u>
<u>2014</u>	<u>2.5 percent</u>
<u>2015</u>	<u>2.0 percent</u>
<u>2016</u>	<u>1.5 percent</u>
<u>2017</u>	<u>1.0 percent</u>
<u>2018 and later years</u>	<u>zero</u>

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Betzold questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Michel appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 47 and nays 17, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fischbach	Gerlach	Gimse	Hann	Ingebrigtsen
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Jungbauer	Limmer	Ortman	Rosen
Koch	Michel	Pariseau	Senjem
Koering	Olson, G.	Robling	Vandev eer

So the decision of the President was sustained.

S.F. No. 4 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Senator Prettner Solon was excused from the Session of today. Senator Johnson was excused from the Session of today at 1:20 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, January 22, 2009. The motion prevailed.

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

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