

COMMUNICATIONS RECEIVED SUBSEQUENT TO ADJOURNMENT

May 13, 2010

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The Subcommittee on Committees of the Committee on Rules and Administration met on May 13, 2010, and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 2010

116J.077: Trade Policy Advisory Group - Senators Senjem and Tomassoni, to serve a term expiring June 30, 2012.

116P.05: Legislative-Citizen Commission on Minnesota Resources - John Herman, to serve at the pleasure of the appointing authority.

137.0245: Regent Candidate Advisory Council - Jim Erickson, upon the resignation of Silvia Kaplan, Margaret Carlson and Dr. Jerry Rogers, to serve a term expiring January 1, 2016 and Silvia Canelon, to serve a term expiring January 2, 2012.

243.1606: Advisory Council on Interstate Adult Offender Supervision - Upon the resignation of Senator Ortman, Senator Ingebrigtsen, to serve a term expiring January 2, 2012.

Pursuant to Minnesota Laws 2010

Chapter 218: Victory Memorial Drive Implementation and Steering Task Force - Senators Higgins and Rest, to serve a term expiring December 31, 2011.

Sincerely,
Lawrence J. Pogemiller, Chair
Subcommittee on Committees

May 15, 2010

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. 2505, 2695, 3147, 1060, 2540, 2933, 2885 and 2918.

Sincerely,
Tim Pawlenty, Governor

May 15, 2010

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 2010 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 2010	Date Filed 2010
	3056	344	7:37 p.m. May 14	May 15
2505		346	7:47 p.m. May 14	May 15
*2510		347	7:53 p.m. May 14	May 15
2695		348	7:57 p.m. May 14	May 15
3147		349	7:59 p.m. May 14	May 15
1060		350	8:01 p.m. May 14	May 15
2540		351	8:03 p.m. May 14	May 15
2933		352	8:04 p.m. May 14	May 15
2885		354	8:10 p.m. May 14	May 15
2918		359	11:42 p.m. May 14	May 15
	*2624	362	10:11 p.m. May 14	May 15

*Chapter with line item vetoes

Sincerely,
Mark Ritchie
Secretary of State

May 17, 2010

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. No. 3081.

Sincerely,
Tim Pawlenty, Governor

May 17, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

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I have the honor to inform you that the following enrolled Acts of the 2010 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 2010	Date Filed 2010
	3263	356	11:09 a.m. May 17	May 17
	2612	357	11:10 a.m. May 17	May 17
3081		358	11:13 a.m. May 17	May 17
*3275		361	11:19 a.m. May 17	May 17

*Chapter with line item vetoes

Sincerely,
 Mark Ritchie
 Secretary of State

May 17, 2010

The Honorable James P. Metzen
 President of the Senate

Dear President Metzen:

I have signed into law, with a number of line-item vetoes, the Environmental and Natural Resources omnibus bill, Chapter 361, Senate File 3275.

1. Page 37, lines 37.14 - 37.18: The \$100,000 appropriation in fiscal year 2011 from the clean water fund to the Board of Water and Soil Resources for the purpose of establishing a micro-grants pilot program to engage citizen volunteers. The purpose of this pilot program remains vague and it appears to be similar to last year's vetoed appropriation for grants to the Star Lake Board.

2. Page 100, lines 100.29 - 100.30: This section allows the PUC to assess up to \$800,000 per year for supplemental staffing. In a time of when the state must live within its means, adding additional staff at the expense of Minnesota ratepayers sends the wrong message. I have therefore vetoed the words "and appropriated to the commission."

3. Page 108, lines 108.11 - 108.19: The appropriation of \$90,000 to the Commissioner of Commerce for transfer to the city of Minneapolis for a grant to an organization with experience in energy conservation and energy planning. Projects of this type normally do not receive funds from the renewable development fund for localized studies and I am concerned about the precedence that this would set.

Sincerely,
 Tim Pawlenty, Governor

May 18, 2010

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. 2879, 184, 863, 2773 and 3318.

Sincerely,
Tim Pawlenty, Governor

May 18, 2010

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 2010 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 2010	Date Filed 2010
2879		363	2:45 p.m. May 18	May 18
184		364	2:58 p.m. May 18	May 18
863		365	3:02 p.m. May 18	May 18
	3106	366	1:45 p.m. May 18	May 18
2773		368	3:18 p.m. May 18	May 18
3318		369	3:20 p.m. May 18	May 18

Sincerely,
Mark Ritchie
Secretary of State

May 18, 2010

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

I have vetoed and am returning Senate File 3145, Chapter 367.

The bill waters down current criminal justice practices and standards related to the weight of controlled substances found in water pipes by prohibiting prosecutors from including the weight of

water pipe fluid in a criminal charge if the weight of that fluid is fewer than four ounces.

Sincerely,
Tim Pawlenty, Governor

May 19, 2010

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. 1905, 3361, 3046, 3126, 1770, 2430 and 2937.

Sincerely,
Tim Pawlenty, Governor

May 19, 2010

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 2010 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 2010	Date Filed 2010
1905		370	9:55 a.m. May 19	May 19
3361		371	9:58 a.m. May 19	May 19
3046		372	10:00 a.m. May 19	May 19
3126		373	10:01 a.m. May 19	May 19
1770		374	10:04 a.m. May 19	May 19
2430		375	10:05 a.m. May 19	May 19
2937		376	10:08 a.m. May 19	May 19

Sincerely,
Mark Ritchie
Secretary of State

May 25, 2010

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. 3379, 2839, 3134, 2908 and 445.

Sincerely,
Tim Pawlenty, Governor

May 25, 2010

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 2010 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 2010	Date Filed 2010
3379		377	11:29 a.m. May 25	May 25
	910	380	11:19 a.m. May 25	May 25
2839		384	11:32 a.m. May 25	May 25
3134		392	11:22 a.m. May 25	May 25
	2859	394	11:16 a.m. May 25	May 25
	3329	395	11:24 a.m. May 25	May 25
2908		396	11:27 a.m. May 25	May 25
	3492	399	11:30 a.m. May 25	May 25
445		Res. No. 2	10:50 a.m. May 25	May 25
	1680	Res. No. 4	11:15 a.m. May 25	May 25

Sincerely,
Mark Ritchie
Secretary of State

May 25, 2010

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

I write to inform you that Chapter 386, Senate File 251, has been vetoed. Although return of the bill to the house of origin and a veto message are not required because the Legislature has adjourned sine die, I wanted to share my concerns about this bill with the Legislature.

This bill would redefine the statutory definition of "motor vehicle" to include the trailer in a semi tractor-trailer combination, thereby exposing the owner of the trailer to tort liability for driver negligence.

This definitional change has sweeping legal implications that would upset established precedent, raise the cost of transporting goods during a recession, and threatens to disrupt the free flow of interstate commerce.

Trailer owners have little or no control over the driver and therefore should not be held responsible for their negligent acts. Currently, no other state has adopted this type of policy and Minnesota should not be an outlier.

Any statutory change in this area should be the product of stakeholder compromise that fairly and equitably balances competing interests. This legislation is severely imbalanced and is therefore vetoed.

Sincerely,
Tim Pawlenty, Governor

May 25, 2010

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

I am writing to inform you I have vetoed Senate File 2469, Chapter 387, a bill that would prohibit certain indemnification clauses in motor carrier transportation contracts. Although return of the bill to the house of origin and a veto message are not required because the Legislature has adjourned sine die, I wanted to share my concerns about this bill with the Legislature.

Private parties should be able to negotiate contracts free from government interference, especially where the parties are sophisticated and the bargaining power between them is not egregiously tilted in favor of one. To the extent possible, government regulation of contracts should be limited to the prevention of force and fraud.

Because none of the factors that speak in favor of governmental intervention are present here, the bill is vetoed.

Sincerely,
Tim Pawlenty, Governor

May 25, 2010

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

I have vetoed and am returning Chapter 390, Senate File 2900, a bill relating to Game and Fish, Natural Resource Policy, and State Lands.

Several provisions in this bill reflect legislative overreach by attempting to set arbitrary hunting and fishing management policy, despite the recommendations of the Department of Natural Resource (DNR) experts. Signing this legislation into law would condone an approach that establishes a harmful precedent for managing our natural resources and undercut public confidence of the process.

Several examples in Article 1 make this point:

1. Section 47 permits anglers to purchase that ability to fish with two lines, but cuts the possession limit in half. This provision was apparently developed to generate revenue, but without any evidence to support this belief.

2. Section 50 requires the Commissioner to close the season for smallmouth bass until the "Monday following the third Sunday in June" in four specific areas along Elm Creek and the Rum and Mississippi Rivers. Yet our natural resource management experts have indicated that the smallmouth bass population in these areas does not need special protection beyond what is currently provided in statewide regulation. This type of legislative carve-out appears to be aimed at reducing access at popular shore fishing locations for no apparent natural resource management reason.

3. Section 53 imposes fishing restrictions on a popular fishing area of Lake Florida without a sound fisheries management rationale.

4. Section 54 requires the DNR to adopt special regulations for Fish Lake Reservoir before the 2011 fishing season. Again, there appears to be no fisheries management reason to require this and there are reports that this provision may have been improperly inserted into legislation.

In addition, the bill unwisely accelerates the declining balance in the Game and Fish fund and threatens to deplete it in the near future. We need to be working constructively towards a comprehensive evaluation of the fund to ensure its long-term future, not passing provisions that undermine its solvency.

Despite this veto, there are important efforts in the legislation that should continue.

Specifically, I have directed Commissioner Holsten to work with the Board of Soil and Water Resources to immediately begin development of a Minnesota pilot hunting walk-in access program that will meet eligibility criteria for federal funding. These agencies will work with interested stakeholders to develop the operational aspects of a pilot walk-in program that include criteria for contract terms, habitat and acreage requirements, model contracts for landowners, posting and notification requirements, landowner liability, property damage, enforcement, long-term funding options, and potential for adding habitat enhancement or restoration components.

Likewise, I am asking Commissioner Holsten to administratively continue the important work of the Citizen Oversight Subcommittees and the Budgetary Oversight Committee.

Additionally, I have instructed Commissioner Holsten to work with local units of government and to use administrative powers where possible to assist in land transfer and sales issues.

Sincerely,
Tim Pawlenty, Governor

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May 27, 2010

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. 2891, 2629, 2642, 2725, 2634, 2471 and 1778.

Sincerely,
Tim Pawlenty, Governor

May 27, 2010

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 2010 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 2010	Date Filed 2010
2891		378	10:32 a.m. May 27	May 27
2629		379	10:34 a.m. May 27	May 27
2642		382	11:05 a.m. May 27	May 27
2725		383	10:42 a.m. May 27	May 27
	3787	385	11:06 a.m. May 27	May 27
	2801	388	10:53 a.m. May 27	May 27
	*3729	389	10:36 a.m. May 27	May 27
2634		391	10:56 a.m. May 27	May 27
2471		397	11:04 a.m. May 27	May 27
1778		Res. No. 3	10:30 a.m. May 27	May 27

* Chapter with line item vetoes.

Sincerely,
Mark Ritchie
Secretary of State

May 27, 2010

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

I have vetoed and am returning Chapter 381, Senate File 560, a bill that would make it easier to obtain an expungement of a criminal conviction. Although return of the bill to the house of origin and a veto message are not required because the Legislature has adjourned sine die, I wanted to share my concerns about this bill with the Legislature.

Perhaps the most fundamental obligation of state government is the safeguarding of its citizens, especially against the harm posed by criminal predation. Our criminal justice system rightly imposes punishment on those who wrongfully harm others, while also recognizing the value of individual redemption.

Minnesota's current expungement law correctly weighs these competing interests, allowing expungement only as an "extraordinary remedy" that may be granted only upon "clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety" (Minn. Stat. 609A.03, Subdivision 5).

This bill upsets that appropriate balance and is therefore vetoed.

Sincerely,
Tim Pawlenty, Governor

August 16, 2010

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The Subcommittee on Committees of the Committee on Rules and Administration met on August 16, 2010 and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 2010

3.303, subdivision 8: LCC Working Group on Ethic Heritage and New Americans - Bo Thao-Urabe, upon the resignation of Gloria Contreras, to serve a term expiring January 1, 2011.

124D.141: State Advisory Council on Early Childhood Education and Care - Senator Bonoff, upon the resignation of Senator Clark, to serve at the pleasure of the appointing authority.

137.0245: Regent Candidate Advisory Council - Brad Slawson, Jr., upon the resignation of Steve Claypatch, to serve a term expiring January 6, 2014.

174.86: Commuter Rail Corridor Coordinating Committee - David Brown, to serve at the pleasure of the appointing authority.

Pursuant to Minnesota Laws 2010

Chapter 361, article 4, section 71: Coon Rapids Dam Commission - Senators Foley and Jungbauer, to serve at the pleasure of the appointing authority.

Chapter 370: Small Group Health Insurance Market Working Group - Senators Parry and Scheid, to serve at the pleasure of the appointing authority.

Chapter 374: Ladder Out of Poverty Task Force - Senators Fischbach, Jungbauer, Marty and Sheran, to serve at the pleasure of the appointing authority.

Chapter 378, section 1: Advisory Council on the Interstate Compact for Juveniles - Senators Betzold and Limmer, to serve at the pleasure of the appointing authority.

Chapter 389, article 2, section 1: Council on Local Results and Innovation - Patricia Coldwell, Jay Stroebel and Wendy Underwood, to serve a four year term expiring January 1, 2014 and Jay Kiedrowski, to serve a two year term expiring January 1, 2012.

Chapter 389, article 2, section 3: Property Tax Working Group - Senators Limmer and Olseen, to serve at the pleasure of the appointing authority.

First Special Session, chapter 1, article 22, section 4: Health Care Reform Task Force - Senators Erickson Ropes and Lynch, to serve a term expiring January 1, 2011.

Sincerely,
Lawrence J. Pogemiller, Chair
Subcommittee on Committees

September 14, 2010

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The Committee on Rules and Administration, on September 14, 2010, by appropriate action, made the following appointments:

Pursuant to Minnesota Statutes 2010

246.125: Chemical and Mental Health Services Transformation Advisory Task Force - Senators Rosen and Sheran, to serve at the pleasure of the appointing authority.

Sincerely,
Lawrence J. Pogemiller, Chair
Subcommittee on Committees

September 17, 2010

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

As the Senate Majority Leader, I hereby make the following appointment:

Pursuant to Ramsey County Court File No. C1-94-8565

Minnesota Partnership for Action Against Tobacco (Clearway Minnesota) - Daniel S. Johnson, to

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serve at the pleasure of the appointing authority.

Sincerely,
Lawrence J. Pogemiller
Senate Majority Leader