

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SEVENTH LEGISLATURE

SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Friday, August 24, 2012

The Senate met at 2:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Senator Senjem 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. Phil Shaw.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The Secretary called the roll by legislative district in numerical order as follows:

First District	LeRoy A. Stumpf
Second District	Rod Skoe
Third District	Tom Saxhaug
Fourth District	John J. Carlson
Fifth District	David J. Tomassoni
Sixth District	Thomas M. Bakk
Seventh District	Roger J. Reinert
Eighth District	Tony Lourey
Ninth District	Keith Langseth
Tenth District	Gretchen M. Hoffman
Eleventh District	Bill G. Ingebrigtsen
Twelfth District	Paul E. Gazelka
Thirteenth District	Joe Gimse
Fourteenth District	Michelle L. Fischbach
Fifteenth District	John C. Pederson
Sixteenth District	David M. Brown
Seventeenth District	Sean R. Nienow
Eighteenth District	Scott J. Newman
Nineteenth District	Amy T. Koch
Twentieth District	Lyle Koenen
Twenty-First District	Gary H. Dahms
Twenty-Second District	Doug Magnus
Twenty-Third District	Kathy Sheran
Twenty-Fourth District	Julie A. Rosen

Twenty-Fifth District	Al DeKruif
Twenty-Sixth District	Mike Parry
Twenty-Seventh District	Dan Sparks
Twenty-Eighth District	John Sterling Howe
Twenty-Ninth District	David H. Senjem
Thirtieth District	Carla J. Nelson
Thirty-First District	Jeremy R. Miller
Thirty-Second District	Warren Limmer
Thirty-Third District	Gen Olson
Thirty-Fourth District	Julianne E. Ortman
Thirty-Fifth District	Claire A. Robling
Thirty-Sixth District	Dave A. Thompson
Thirty-Seventh District	Chris Gerlach
Thirty-Eighth District	Theodore J. "Ted" Daley
Thirty-Ninth District	James P. Metzen
Fortieth District	Dan D. Hall
Forty-First District	Geoff Michel
Forty-Second District	David W. Hann
Forty-Third District	Terri E. Bonoff
Forty-Fourth District	Ron Latz
Forty-Fifth District	Ann H. Rest
Forty-Sixth District	Chris A. Eaton
Forty-Seventh District	Benjamin A. Kruse
Forty-Eighth District	Michael J. Jungbauer
Forty-Ninth District	Michelle R. Benson
Fiftieth District	Barb J. Goodwin
Fifty-First District	Pam Wolf
Fifty-Second District	Ray Vandever
Fifty-Third District	Roger C. Chamberlain
Fifty-Fourth District	John Marty
Fifty-Fifth District	Charles W. Wiger
Fifty-Sixth District	Ted H. Lillie
Fifty-Seventh District	Katie Sieben
Fifty-Eighth District	Linda Higgins
Fifty-Ninth District	Kari Dzedzic
Sixtieth District	D. Scott Dibble
Sixty-First District	Jeff Hayden
Sixty-Second District	Patricia Torres Ray
Sixty-Third District	Kenneth S. Kelash
Sixty-Fourth District	Richard J. Cohen
Sixty-Fifth District	Sandra L. Pappas
Sixty-Sixth District	Mary Jo McGuire
Sixty-Seventh District	John M. Harrington

The President declared a quorum present.

STATE OF MINNESOTA**PROCLAMATION FOR SPECIAL SESSION 2012**

WHEREAS: The Minnesota Constitution allows the Governor to call a special session of the Legislature on "extraordinary occasions;" and

WHEREAS: From June 14 through June 21, 2012, severe storms and flooding occurred, causing historic damage to the Counties of Aitkin, Carlton, Cook, Crow Wing, Dakota, Goodhue, Kandiyohi, Lake, Meeker, Pine, Rice, Sibley, and Saint Louis, and to the Fond du Lac Band of Lake Superior Chippewa, Grand Portage Band of Lake Superior Chippewa, and the Mille Lacs Band of Ojibwe; and

WHEREAS: The Honorable Barack Obama, President of the United States of America, declared that a major disaster exists in the State of Minnesota, and granted federal aid for public infrastructure, but denied my request for individual assistance for residents whose homes, business, and lives were devastated by the terrible flooding; and

WHEREAS: I have exercised my emergency powers under existing law to direct agency resources to affected individuals and local governments; however, the immediate needs in the disaster areas far exceed available federal and state resources; and

WHEREAS: I have consulted with legislative leaders and have reached an agreement that immediate action by the State Legislature is necessary to provide assistance and aid to impacted local governments, business, and individuals; and

WHEREAS: The people of Minnesota are best served by a one-day special session with the limited agenda of passing a 2012 Disaster Relief Appropriations Bill; and

WHEREAS: Elected leaders of the Legislature have agreed upon an agenda and procedure to complete a special session within one legislative day.

NOW THEREFORE, I, Mark Dayton, Governor of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Friday, August 24, 2012, at 2:00 p.m. at the State Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this 22nd day of August.

Sincerely,
Mark Dayton, Governor

Sincerely,
Mark Ritchie, Secretary of State

MOTIONS AND RESOLUTIONS**Senators Senjem and Bakk introduced –**

Senate Resolution No. 1: A Senate resolution relating to organization and operation of the Senate during the Special Session.

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

The Senate is organized under Minnesota Statutes, sections 3.073 and 3.103.

The Rules of the Senate for the 87th Legislature are the Rules for the Special Session, except that Rules 3.5, 5 and 9 are not operative other than as provided in this resolution.

The Committee on Rules and Administration is established in the same manner and with the same powers as in the 87th Legislature.

With respect to Rule 30, Reconsideration, a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made, and when made has priority over other business except a motion to adjourn.

Senator Senjem moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 57 and nays 9, as follows:

Those who voted in the affirmative were:

Bakk	Fischbach	Koch	Michel	Sheran
Benson	Gazelka	Koenen	Miller	Sieben
Bonoff	Gerlach	Kruse	Nelson	Skoe
Brown	Gimse	Langseth	Olson	Sparks
Carlson	Goodwin	Latz	Ortman	Stumpf
Chamberlain	Hann	Lillie	Pappas	Tomassoni
Cohen	Harrington	Limmer	Pederson	Torres Ray
Dahms	Hayden	Lourey	Reinert	Wiger
Daley	Higgins	Magnus	Rest	Wolf
Dibble	Howe	Marty	Robling	
Dziedzic	Ingebrigtsen	McGuire	Saxhaug	
Eaton	Kelash	Metzen	Senjem	

Those who voted in the negative were:

DeKruif	Hoffman	Newman	Parry	Vandever
Hall	Jungbauer	Nienow	Thompson	

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED**Senators Senjem and Bakk introduced –**

Senate Resolution No. 2: A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

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

The Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized under the Minnesota Constitution and Minnesota Statutes.

Senator Senjem moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is now duly organized for the 2012 Special Session pursuant to law.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted August 24, 2012

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted 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 Gimse, Howe, Carlson, Reinert and Lourey introduced–

S.F. No. 1: A bill for an act relating to disaster assistance; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; authorizing the sale and issuance of state bonds; providing flood loss aid and property tax relief; transferring and cancelling prior appropriations; appropriating money for flood and windstorm relief; amending Minnesota Statutes 2010, sections 12A.07, by adding a subdivision; 12A.09, by adding a subdivision; 116J.8731, by adding subdivisions; Minnesota Statutes 2011 Supplement,

section 12A.07, subdivision 2; Laws 2009, chapter 172, article 4, section 2, subdivision 5; Laws 2011, First Special Session chapter 6, article 4, section 2, subdivision 6.

Senator Senjem moved that S.F. No. 1 be laid on the table. The motion prevailed.

Senators Gimse and Latz introduced—

S.F. No. 2: A bill for an act relating to disaster assistance; making miscellaneous corrections to the 2012 First Special Session flood relief legislation; amending Minnesota Statutes 2010, section 116J.8731, subdivision 9, as added if enacted; 2012 First Special Session H.F. 1, article 1, sections 5, if enacted; 10, subdivision 3, if enacted.

Senator Senjem moved that S.F. No. 2 be laid on the table. The motion prevailed.

Senator Nelson introduced—

S.F. No. 3: A bill for an act relating to emergency management; establishing a working group to study and report on criteria for grants.

Referred to the Committee on Rules and Administration.

RECESS

Senator Senjem moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

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

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 Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted August 24, 2012

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1: A bill for an act relating to disaster assistance; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; authorizing the sale and issuance of state bonds; providing flood loss aid and property tax relief; transferring and cancelling prior appropriations; appropriating money for flood and windstorm relief; amending Minnesota Statutes 2010, sections 12A.07, by adding a subdivision; 12A.09, by adding a subdivision; 116J.8731, by adding subdivisions; Minnesota Statutes 2011 Supplement, section 12A.07, subdivision 2; Laws 2009, chapter 172, article 4, section 2, subdivision 5; Laws 2011, First Special Session chapter 6, article 4, section 2, subdivision 6.

MOTIONS AND RESOLUTIONS - CONTINUED**SUSPENSION OF RULES**

Senator Senjem moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1 and that the rules of the Senate be so far suspended as to give H.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1 was read the second time.

H.F. No. 1 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 60 and nays 7, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kelash	Metzen	Saxhaug
Benson	Gerlach	Koch	Michel	Senjem
Bonoff	Gimse	Koenen	Miller	Sheran
Carlson	Goodwin	Kruse	Nelson	Sieben
Chamberlain	Hall	Langseth	Olson	Skoe
Cohen	Hann	Latz	Ortman	Sparks
Dahms	Harrington	Lillie	Pappas	Stumpf
Daley	Hayden	Limmer	Pederson	Tomassoni
Dibble	Higgins	Lourey	Reinert	Torres Ray
Dziedzic	Hoffman	Magnus	Rest	Vandeveer
Eaton	Howe	Marty	Robling	Wiger
Fischbach	Ingebrigtsen	McGuire	Rosen	Wolf

Those who voted in the negative were:

Brown	Jungbauer	Nienow	Thompson
DeKruif	Newman	Parry	

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 reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted August 24, 2012

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2: A bill for an act relating to disaster assistance; making miscellaneous corrections to the 2012 First Special Session flood relief legislation; amending Minnesota Statutes 2010, section 116J.8731, subdivision 9, as added if enacted; 2012 First Special Session H.F. 1, article 1, sections 5, if enacted; 10, subdivision 3, if enacted.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Senator Senjem moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2 and that the rules of the Senate be so far suspended as to give H.F. No. 2 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2 was read the second time.

H.F. No. 2 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Cohen	Eaton	Hall	Howe
Benson	Dahms	Fischbach	Hann	Ingebrigtsen
Bonoff	Daley	Gazelka	Harrington	Jungbauer
Brown	DeKruif	Gerlach	Hayden	Kelash
Carlson	Dibble	Gimse	Higgins	Koch
Chamberlain	Dziedzic	Goodwin	Hoffman	Koenen

Kruse
Langseth
Latz
Lillie
Limmer
Lourey
Magnus
Marty

McGuire
Metzen
Michel
Miller
Nelson
Newman
Nienow
Olson

Ortman
Pappas
Parry
Pederson
Reinert
Rest
Robling
Rosen

Saxhaug
Senjem
Sheran
Sieben
Skoe
Sparks
Stumpf
Thompson

Tomassoni
Torres Ray
Vandever
Wiger
Wolf

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senators Senjem and Bakk introduced –

Senate Resolution No. 3: A Senate resolution relating to adjournment of the Special Session.

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

The Secretary of the Senate shall notify the Governor and the House of Representatives that the Senate is about to adjourn the Special Session sine die.

The Secretary of the Senate may correct and approve the Journal of the Senate for the Special Session.

Senator Senjem moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is about to adjourn the 2012 Special Session sine die.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted August 24, 2012

MEMBERS EXCUSED

Senator Rosen was excused from the Session of today from 2:00 to 2:15 p.m.

ADJOURNMENT

Senator Senjem moved that the Senate do now adjourn the Special Session sine die. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

INDEX TO DAILY JOURNAL

Friday, August 24, 2012

MESSAGES FROM THE HOUSE AND FIRST READING OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
.....	11	1	8
		2	10
				9
				10

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
		19
		210

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
Sen. Res. No. 1		
6			
Sen. Res. No. 2		
7			
Sen. Res. No. 3		
11			

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 1 to 3	Pages 7 to 8
------------------	-------	--------------