

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SIXTH LEGISLATURE

SECOND SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Monday, October 18, 2010

The Senate met at 1:00 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. Sara E. Morse.

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	Mary Olson
Fifth District	David J. Tomassoni
Sixth District	Thomas M. Bakk
Seventh District	Yvonne Prettner Solon
Eighth District	Tony Lourey
Ninth District	Keith Langseth
Tenth District	Dan Skogen
Eleventh District	Bill Ingebrigtsen
Twelfth District	Paul E. Koering
Thirteenth District	Joseph R. Gimse
Fourteenth District	Michelle L. Fischbach
Fifteenth District	Tarryl L. Clark
Sixteenth District	Lisa A. Fobbe
Seventeenth District	Rick Olseen
Eighteenth District	Steve Dille
Nineteenth District	Amy T. Koch
Twentieth District	Gary W. Kubly
Twenty-First District	Dennis R. Frederickson
Twenty-Second District	Jim Vickerman
Twenty-Third District	Kathy Sheran

Twenty-Fourth District	Julie A. Rosen
Twenty-Fifth District	Kevin L. Dahle
Twenty-Sixth District	Mike Parry
Twenty-Seventh District	Dan Sparks
Twenty-Eighth District	Steve Murphy
Twenty-Ninth District	David H. Senjem
Thirtieth District	Ann Lynch
Thirty-First District	Sharon Erickson Ropes
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	Pat Pariseau
Thirty-Seventh District	Chris Gerlach
Thirty-Eighth District	Jim Carlson
Thirty-Ninth District	James P. Metzen
Fortieth District	John Doll
Forty-First District	Geoff Michel
Forty-Second District	David Hann
Forty-Third District	Terri Bonoff
Forty-Fourth District	Ron Latz
Forty-Fifth District	Ann H. Rest
Forty-Sixth District	Linda Scheid
Forty-Seventh District	Leo T. Foley
Forty-Eighth District	Michael J. Jungbauer
Forty-Ninth District	Debbie J. Johnson
Fiftieth District	Satveer Chaudhary
Fifty-First District	Don Betzold
Fifty-Second District	Ray Vandever
Fifty-Third District	Sandy Rummel
Fifty-Fourth District	John Marty
Fifty-Fifth District	Charles W. Wiger
Fifty-Sixth District	Kathy Saltzman
Fifty-Seventh District	Katie Sieben
Fifty-Eighth District	Linda Higgins
Fifty-Ninth District	Lawrence J. Pogemiller
Sixtieth District	D. Scott Dibble
Sixty-First District	Linda Berglin
Sixty-Second District	Patricia Torres Ray
Sixty-Third District	Ken Kelash
Sixty-Fourth District	Richard J. Cohen
Sixty-Fifth District	Sandra L. Pappas
Sixty-Sixth District	Ellen R. Anderson
Sixty-Seventh District	Mee Moua

The President declared a quorum present.

STATE OF MINNESOTA

PROCLAMATION FOR SECOND SPECIAL SESSION 2010

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

WHEREAS: On September 22, 2010, and continuing thereafter, extremely heavy rains caused severe flooding throughout southern Minnesota, and Blue Earth, Cottonwood, Dodge, Faribault, Freeborn, Goodhue, Jackson, Lincoln, Lyon, Martin, Mower, Murray, Olmsted, Pipestone, Rice, Rock, Steele, Wabasha, Waseca, Watonwan and Winona counties have been declared a federal disaster area by the President of the United States; and

WHEREAS: The flooding has caused extensive damage and loss of property to individuals, businesses and local government; and

WHEREAS: The Governor has exercised his emergency powers under existing law to direct available agency resources to assist individuals and local governments; however, the immediate needs in the disaster areas exceed the resources available through the federal government and existing state resources; and

WHEREAS: I have consulted with legislative leaders and have reached agreement that immediate action by the state legislature to provide the necessary relief and the people of Minnesota will be best served by a one-day special session with the limited agenda of providing disaster relief for southern Minnesota, as well as areas affected by the June 17-26, 2010, severe storms, tornadoes and flooding that were the subject of a separate disaster area declared by the President of the United States.

NOW THEREFORE, I, TIM PAWLENTY, Governor of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Monday, October 18, 2010, at 1:00 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 14th day of October in the year of our Lord two thousand and ten, and of the State the one hundred fifty-second.

Sincerely,
Tim Pawlenty, Governor

Sincerely,
Mark Ritchie, Secretary of State

MOTIONS AND RESOLUTIONS**Senators Pogemiller and Senjem 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 86th 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 86th 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 Pogemiller 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Senators Pogemiller and Senjem 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 (Legislative) shall notify the House of Representatives and the Governor that the Senate is now duly organized under the Minnesota Constitution and Minnesota Statutes.

Senator Pogemiller 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 Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Lynch, Skogen, Dahle, Parry and Rosen 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 of state bonds; providing flood loss aid and property tax relief; making cash flow and other budgetary adjustments; appropriating money for flood and tornado relief; amending Laws 2008, chapter 152, article 2, section 3, subdivision 2, as amended; repealing Laws 2010, First Special Session chapter 1, article 24, sections 1; 2; 3.

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. 1 and that the rules of the Senate be so far suspended as to give S.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS - CONTINUED**Senator Dibble introduced–**

S.F. No. 2: A bill for an act relating to education; creating the Minnesota Safe Schools for All Act; providing for harassment, bullying, intimidation, and violence policies; amending Minnesota Statutes 2010, sections 121A.03; 124D.10, subdivision 8; repealing Minnesota Statutes 2010, section 121A.0695.

Referred to the Committee on Rules and Administration.

Senators Berglin, Pappas, Moua, Dibble and Torres Ray introduced–

S.F. No. 3: A resolution memorializing the President of the United States and Congress to review the FBI raids on Minnesota activists.

Referred to the Committee on Rules and Administration.

Senator Berglin introduced–

S.F. No. 4: A bill for an act relating to insurance coverage; requiring the commissioner of commerce to establish an open enrollment period for child-only health plans.

Referred to the Committee on Rules and Administration.

Senator Berglin introduced—

S.F. No. 5: A bill for an act relating to public health; requiring the commissioner of health to research and report on autism; requiring the Department of Human Services to train autism service providers; requiring notification of autism service options for medical assistance and MinnesotaCare recipients.

Referred to the Committee on Rules and Administration.

Senator Senjem introduced—

S.F. No. 6: 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 of state bonds; providing flood loss aid and property tax relief; making cash flow and other budgetary adjustments; appropriating money for flood and tornado relief; amending Laws 2008, chapter 152, article 2, section 3, subdivision 2, as amended; repealing Laws 2010, First Special Session chapter 1, article 24, sections 1; 2; 3.

Referred to the Committee on Rules and Administration.

RECESS

Senator Pogemiller 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 Pogemiller 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

Mr. President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is now duly organized for the 2010 Second Special Session pursuant to law.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted October 18, 2010

Mr. 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 October 18, 2010

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 of state bonds; providing flood loss aid and property tax relief; making cash flow and other budgetary adjustments; appropriating money for flood and tornado relief; amending Laws 2008, chapter 152, article 2, section 3, subdivision 2, as amended; repealing Laws 2010, First Special Session chapter 1, article 24, sections 1; 2; 3.

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 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senators Pogemiller and Senjem 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 (Legislative) 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 (Legislative) may correct and approve the Journal of the Senate for the Special Session.

Senator Pogemiller 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

Mr. President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is about to adjourn the 2010 Second Special Session sine die.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted October 18, 2010

MEMBERS EXCUSED

Senator Rest was excused from the Session of today.

ADJOURNMENT

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

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