

May 2006

TO: All Senators

FROM: Senator Dean Johnson, Chair  
Senate Rules and Administration Committee

RE: Interim 2006

**PER DIEM, MILEAGE, LODGING AND TRAVEL EXPENSES (INTERIM).**

Members will be reimbursed for per diem, mileage, lodging, travel, registration fees, taxis and baggage tips.

**Per Diem maximum** reimbursement is **\$66 per day.**

**Hotel/Lodging** – Reimbursement will be \$85 per night maximum for in-state lodging and the actual cost of a single room for travel outside the state of Minnesota. Receipts must be attached.

**Apartment** -- \$900 per month maximum. Receipts must accompany claims or leases must be filed in the Fiscal Services Office. Housing claims may include utilities and/or rental of furniture up to maximum of \$900.

Registration fees will be paid when authorized. **Receipts must be attached.**

Mileage to and from the Capitol at the current IRS reimbursement level – **44.5 cents per mile** (as of January 1, 2006.)

Air travel between place of residence and Minneapolis/St. Paul airport.

**REIMBURSEMENT IS AUTHORIZED AS FOLLOWS:**

- Senators attending committee or subcommittee meetings.
- President or chair of committee for work at the Capitol or meetings with staff.
- Chief authors of bills who are called upon to present a Senate File.
- Committee members, upon approval of committee chair.
- Minority Leader for appropriate duties.
- Senators attending House committee meetings upon the approval of the Majority Leader.
- Travel days to and from the Capitol.

Members will **not be** reimbursed for routine work done at the Capitol or for attending caucuses or steering committee meetings. Please note that **reimbursements may be subject to taxes.**

### **COMMUNICATIONS REIMBURSEMENT**

Reimbursement will be authorized up to a **maximum of \$125 per month for communications**, e.g. telephone, fax cell phone, pager, Internet service, etc. If receipted for, it will be treated as an expense. If not receipted, it will be treated as income and taxes will be deducted.

### **CONSTITUENT SERVICE MILEAGE**

Constituent Service Mileage – at current IRS rate.

Reimbursement has been authorized for all senators covering mileage incurred for constituent matters on a monthly basis at the present rate per mile.

Reimbursement is subject to the approval from the chair of the Committee on Rules and Administration.

As in past election years, Constituent Service Mileage will stop effective July 1, 2006 and will resume the day after the election for the duration of the interim.

### **OUT-OF-STATE AND IN-STATE TRAVEL GUIDELINES**

**In-state travel** by members and staff (attendance at conferences, seminars, traveling committee meetings, etc.) that is funded in the committee interim work plans approved by the Senate Committee on Rules and Administration must have the approval of the chairperson of the committee traveling and the chair of the Senate Rules Committee before reimbursement can be made.

**Prior approval** of the chair of the Senate Committee on Rules and Administration is necessary **before** members or staff attends meetings, conferences, seminars, etc. **Requests** for staff to attend such meetings will be given special consideration but must be approved **in advance**. **Fill in all related expenses on the authorization form or it will be returned to you.**

**All expenses** must be submitted to Fiscal Services no later than **60 days** after their occurrence.

**Car rental** must be noted on the travel authorization form and approved prior to travel. For authorized travel, the Senate will pay for the following: round-trip coach airfare, conference registration fees, single room accommodations, reasonable transportation between airport and hotel. Per diem must cover all meals.

\*Travel Approval and Expenses see page 3.05 in the Senate Policy Book.

### **CONSULTANTS**

A request must be submitted to the Rules Committee chair for approval **before** an invitation is extended to pay expenses for any “expert witness” or consultant.

## 1.1 A Senate resolution

1.2 relating to conduct of Senate business during the interim between Sessions.

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

1.4 The powers, duties, and procedures set forth in this resolution apply during the interim  
1.5 between the adjournment sine die of the 84th Legislature, 2006 Session, and the convening of  
1.6 the 85th Legislature, 2007 Session.1.7 The Committee on Rules and Administration may, from time to time, assign to the various  
1.8 committees and subcommittees of the Senate, in the interim, matters brought to its attention by any  
1.9 member of the Senate for study and investigation. The standing committees and subcommittees  
1.10 may study and investigate all subjects that come within their usual jurisdiction, as provided by  
1.11 Minnesota Statutes, Section 3.921. A committee shall carry on its work by subcommittee or by  
1.12 committee action as the committee from time to time determines. Any study undertaken by any  
1.13 of the standing committees, or any subcommittee thereof, shall be coordinated to the greatest  
1.14 extent possible with other standing committees or subcommittees of the Senate and House of  
1.15 Representatives, and may, if the committee or subcommittee so determines, be carried on jointly  
1.16 with another committee or subcommittee of the Senate or House of Representatives.1.17 The Subcommittee on Committees of the Committee on Rules and Administration shall  
1.18 appoint persons as necessary to fill any vacancies that may occur in committees, commissions,  
1.19 and other bodies whose members are to be appointed by the Senate authorized by rule, statute,  
1.20 resolution, or otherwise. The Subcommittee on Committees may appoint members of the Senate  
1.21 to assist in the work of any committee.2 The Committee on Rules and Administration shall establish positions, set compensation  
1.23 and benefits, appoint employees, and authorize expense reimbursement as it deems proper  
1.24 to carry out the work of the Senate.1.25 The Committee on Rules and Administration may authorize members of the Senate and  
1.26 personnel employed by the Senate to travel and to attend courses of instruction or conferences for  
1.27 the purpose of improving and making more efficient Senate operation and may reimburse these  
1.28 persons for the costs thereof out of monies appropriated to the Senate for the standing committees.1.29 All members of activated standing committees or subcommittees of the Senate, and staff,  
1.30 shall be reimbursed for all expenses actually and necessarily incurred in the performance of  
1.31 their duties during the interim in the manner provided by law. Payment shall be made by the  
1.32 Secretary of the Senate out of monies appropriated to the Senate for the standing committees.  
1.33 The Committee on Rules and Administration shall determine the amount and manner of

2.1 reimbursement for living and other expenses of each member of the Senate incurred in the  
2.2 performance of Senate duties when the Legislature is not in regular session.

2.3 The Secretary of the Senate shall continue to perform his duties during the interim. During  
2.4 the interim, but not including time which may be spent in any special session, the Secretary of the  
2.5 Senate shall be paid for services rendered the Senate at the rate established for that position for the  
2.6 2006 regular session, unless otherwise directed by the Committee on Rules and Administration,  
2.7 plus travel and subsistence expense incurred incidental to his Senate duties, including salary and  
2.8 travel expense incurred in attending meetings of the American Society of Legislative Clerks and  
2.9 Secretaries and the National Conference of State Legislatures.

2.10 Should a vacancy occur in the position of Secretary of the Senate, by resignation or other  
2.11 causes, the Committee on Rules and Administration shall appoint an acting Secretary of the  
2.12 Senate who shall serve in that capacity during the remainder of the interim under the provisions  
13 herein specified.

2.14 The Secretary of the Senate is authorized to employ after the close of the session the  
2.15 employees necessary to finish the business of the Senate at the salaries paid under the rules of  
2.16 the Senate for the 2006 regular session. He is authorized to employ the necessary employees to  
2.17 prepare for the 2007 session at the salaries in effect at that time.

2.18 The Secretary of the Senate shall classify as eligible for benefits under Minnesota Statutes,  
2.19 Sections 3.095 and 43A.24, those Senate employees heretofore or hereafter certified as eligible  
2.20 for benefits by the Committee on Rules and Administration.

2.21 The Secretary of the Senate, as authorized and directed by the Committee on Rules and  
2 Administration, shall furnish each member of the Senate with postage and supplies, and upon  
2.23 proper verification of the expenses incurred, shall reimburse each member for expenses as  
2.24 authorized from time to time by the Committee on Rules and Administration.

2.25 The Secretary of the Senate shall correct and approve the Journal of the Senate for those  
2.26 days that have not been corrected and approved by the Senate, and shall correct printing errors  
2.27 found in the Journal of the Senate for the 84th Legislature. He may include in the Senate Journal  
2.28 proceedings of the last day, appointments by the Subcommittee on Committees to interim  
2.29 commissions created by legislative action, permanent commissions or committees established by  
2.30 statute, standing committees, official communications and other matters of record received on or  
2.31 after adjournment sine die.

2.32 The Secretary of the Senate may pay election and litigation costs as authorized by the  
2.33 Committee on Rules and Administration.

3.1 The Secretary of the Senate, with the approval of the Committee on Rules and  
3.2 Administration, shall secure bids and enter into contracts for the printing of the bills and binding  
3.3 of the permanent Senate Journal, shall secure bids and enter into contracts for remodeling,  
3.4 improvement and furnishing of Senate office space, conference rooms and the Senate Chamber  
3.5 and shall purchase all supplies, equipment and other goods and services necessary to carry out the  
3.6 work of the Senate. Any contracts in excess of \$10,000 shall be approved by the Chair of the  
3.7 Committee on Rules and Administration and another member designated by the Committee on  
3.8 Rules and Administration.

3.9 The Secretary of the Senate shall draw warrants from the legislative expense fund in  
3.10 payment of the accounts herein referred to.

3.11 All Senate records, including committee books, are subject to the direction of the  
3.12 Committee on Rules and Administration.

13 The Senate Chamber, retiring room, committee rooms, all conference rooms, storage rooms,  
3.14 Secretary of the Senate's office, Rules and Administration office, and any and all other space  
3.15 assigned to the Senate shall be reserved for use by the Senate and its standing committees only and  
3.16 shall not be released or used for any other purpose except upon authorization of the Secretary of  
3.17 the Senate with the approval of the Committee on Rules and Administration, or the Chair thereof.

3.18 The custodian of the Capitol shall continue to provide parking space through the Secretary  
3.19 of the Senate for members and staff of the Minnesota State Senate on Aurora Avenue and other  
3.20 areas as may be required during the interim. The Secretary of the Senate may deduct from the  
3.21 check of any legislator or legislative employee a sum adequate to cover the exercise of the parking  
3.22 privilege herein defined in conformity with the practice of the Department of Administration.

1.1 A Senate resolution

1.2 relating to notifying the House of Representatives the Senate is about to adjourn  
1.3 sine die.

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

1.5 That the Secretary of the Senate shall notify the House of Representatives the Senate is  
1.6 about to adjourn sine die.

1.1 A Senate resolution

1.2 relating to notifying the Governor the Senate is about to adjourn sine die.

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

1.4 That the Secretary of the Senate shall notify The Honorable Tim Pawlenty, Governor of

1.5 the State of Minnesota, the Senate is ready to adjourn sine die.

**Senators Betzold and Limmer introduced-**

**S.F. No. 3780:** Referred to the Committee on Rules and Administration.

A bill for an act

relating to legislative enactments; correcting miscellaneous oversights; inconsistencies; ambiguities; unintended results; and technical errors; amending Minnesota Statutes 2004, section 325F.665, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2004, section 325F.665, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given them:

(a) "consumer" means the purchaser or lessee, other than for purposes of resale or sublease, of a new motor vehicle used for personal, family, or household purposes at least 40 percent of the time, or a person to whom the new motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to the motor vehicle;

(b) "manufacturer" means a person engaged in the business of manufacturing, assembling or distributing motor vehicles, who will, under normal business conditions during the year, manufacture, assemble or distribute to dealers at least ten new motor vehicles;

(c) "manufacturer's express warranty" and "warranty" mean the written warranty of the manufacturer of a new motor vehicle of its condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under that warranty;

(d) "lease" means a contract in the form of a lease or bailment for the use of personal property by a natural person for a period of time exceeding four months, used for personal, family, or household purposes at least 40 percent of the time, whether or not



2.1 the lessee has the option to purchase or otherwise become the owner of the property at  
2.2 the expiration of the lease;

2.3 (e) "motor vehicle" means (1) a passenger automobile as defined in section 168.011,  
2.4 subdivision 7, including pickup trucks and vans, and (2) the self-propelled motor vehicle  
2.5 chassis or van portion of recreational equipment as defined in section 168.011, subdivision  
2.6 25, which is sold or leased to a consumer in this state;

2.7 (f) "informal dispute settlement mechanism" means an arbitration process or  
2.8 procedure by which the manufacturer attempts to resolve disputes with consumers  
2.9 regarding motor vehicle nonconformities and repairs that arise during the vehicle's  
2.10 warranty period;

2.11 (g) "motor vehicle lessor" means a person who holds title to a motor vehicle leased  
2.12 to a lessee under a written lease agreement or who holds the lessor's rights under such  
2.13 agreement; and

2.14 (h) "early termination costs" means expenses and obligations incurred by a motor  
2.15 vehicle lessor as a result of an early termination of a written lease agreement and  
2.16 surrender of a motor vehicle to a manufacturer under subdivision 4, including penalties  
2.17 for prepayment of finance arrangements.

2.18 **Sec. 2. EFFECTIVE DATE.**

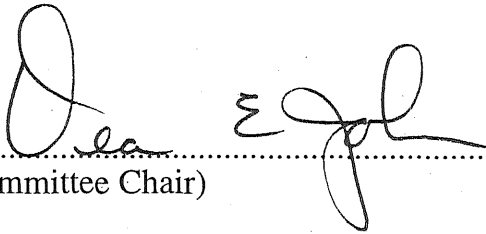
2.19 Unless otherwise provided, each section of this act takes effect at the time the  
2.20 provision being corrected takes effect.

1.1 **Senator Senator Johnson, D.E. from the Committee on Rules and**  
1.2 **Administration, to which was referred**

1.3 **S.F. No. 3780:** A bill for an act relating to legislative enactments; correcting  
1.4 miscellaneous oversights; inconsistencies; ambiguities; unintended results; and technical  
1.5 errors; amending Minnesota Statutes 2004, section 325F.665, subdivision 1.

1.6 Reports the same back with the recommendation that the bill do pass. Report  
1.7 adopted.

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1.9

  
.....  
(Committee Chair)

1.10  
1.11

May 20, 2006 .....  
(Date of Committee recommendation)

1.1 A Senate resolution

1.2 relating to the separation of powers; authorizing Senate intervention in a lawsuit  
1.3 challenging expenditure of money out of the state treasury without an appropriation by  
4 law.

1.5 WHEREAS, Article III of the Minnesota Constitution prohibits a member of the executive  
1.6 or judicial branches from exercising any powers properly belonging to the legislative branch  
1.7 except in the instances expressly provided in the constitution; and

1.8 WHEREAS, Article XI, section 1, of the Minnesota Constitution says that, "No money  
1.9 shall be paid out of the treasury of this state except in pursuance of an appropriation by law;" and

1.10 WHEREAS, the 2005 regular and special sessions of the Legislature failed, until July 14,  
1.11 2005, to enact appropriations necessary to continue the operation of many state departments and  
1.12 agencies beyond June 20, 2005; and

1.13 WHEREAS, the Ramsey County District Court, on a petition by Attorney General  
1.14 Mike Hatch, joined by Governor Tim Pawlenty, on June 30, 2005, and July 7, 2005, ordered  
1.15 Commissioner of Finance Peggy Ingison to pay money out of the state treasury to fund various  
1.16 core functions of state government without an appropriation by law; and

1.17 WHEREAS, on or about September 28, 2005, numerous members of the Minnesota Senate  
1.18 and House of Representatives filed a Petition for Writ of Quo Warranto and Memorandum of Law  
1.19 with the Ramsey County District Court requiring Commissioner of Finance Peggy Ingison to  
1.20 cease and desist from any further payment of money out of the state treasury after the end of a  
1.21 fiscal biennium without an appropriation by law; and

1.22 WHEREAS, the Ramsey County District Court, on or about March 3, 2006, denied the  
1.23 petition; and

1.24 WHEREAS, the petitioning members of the Senate and House of Representatives have  
1.25 appealed the decision of the Ramsey County District Court; and

1.26 WHEREAS, the petitioners desire the assistance of the Senate in pursuing the appeal, up to  
1.27 and including the Minnesota Supreme Court; NOW, THEREFORE,

1.28 BE IT RESOLVED by the Senate that:

1.29 The Office of Senate Counsel, Research and Fiscal Analysis shall represent the interests of  
0 the Senate in the appeal and shall seek permission of the Court to file a brief as amicus curiae on  
1.31 behalf of appellants.

1.1 **Senator Senator Johnson, D.E. from the Committee on Rules and**  
1.2 **Administration, to which was referred**

1.3 **Senate Resolution No. 167:** A Senate resolution relating to the separation of  
1.4 powers; authorizing Senate intervention in a lawsuit challenging expenditure of money  
1.5 out of the state treasury without an appropriation by law.

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

1.7 Page 1, delete lines 5 to 31 and insert:

1.8 "WHEREAS, Article III of the Minnesota Constitution prohibits a member of the  
1.9 executive or judicial branches from exercising any powers properly belonging to the  
1.10 legislative branch except in the instances expressly provided in the constitution; and

1.11 WHEREAS, Article XI, section 1, of the Minnesota Constitution says that, "No  
1.12 money shall be paid out of the treasury of this state except in pursuance of an appropriation  
1.13 by law;" and

1.14 WHEREAS, the 2005 regular and special sessions of the Legislature failed, until  
1.15 July 14, 2005, to enact appropriations necessary to continue the operation of many state  
1.16 departments and agencies beyond June 20, 2005; and

1.17 WHEREAS, the Ramsey County District Court, on a petition by Attorney General  
1.18 Mike Hatch, joined by Governor Tim Pawlenty, on June 30, 2005, and July 7, 2005,  
1.19 ordered Commissioner of Finance Peggy Ingison to pay money out of the state treasury to  
1.20 fund various core functions of state government without an appropriation by law; and

1.21 WHEREAS, on or about September 28, 2005, numerous members of the Minnesota  
1.22 Senate and House of Representatives filed a Petition for Writ of Quo Warranto and  
1.23 Memorandum of Law with the Ramsey County District Court requiring Commissioner of  
1.24 Finance Peggy Ingison to cease and desist from any further payment of money out of the  
1.25 state treasury after the end of a fiscal biennium without an appropriation by law; and

1.26 WHEREAS, the Ramsey County District Court, on or about March 3, 2006, denied  
1.27 the petition; and

1.28 WHEREAS, the petitioning members of the Senate and House of Representatives  
1.29 have appealed the decision of the Ramsey County District Court; and

1.30 WHEREAS, the petitioners desire the assistance of the Senate in pursuing the  
1.31 appeal, up to and including the Minnesota Supreme Court; NOW, THEREFORE,

1.32 BE IT RESOLVED by the Senate that:

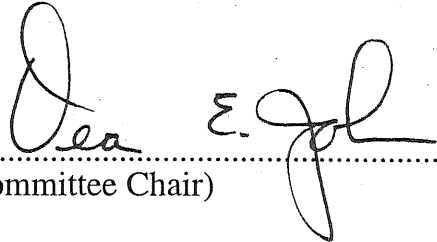
2.1 The Office of Senate Counsel, Research and Fiscal Analysis shall represent the  
 2.2 interests of the Senate in the appeal and shall seek permission of the Court to file a brief  
 2.3 as amicus curiae on behalf of appellants."

2.4 Page 2, delete lines 1 to 6

2.5 Amend the title accordingly

2.6 And when so amended the bill be reported to the Senate without recommendation.  
 2.7 Amendments adopted. Report adopted.

2.8  
 2.9

  
 .....  
 (Committee Chair)

2.10  
 2.11

May 20, 2006 .....  
 (Date of Committee recommendation)

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The Management Advisory Committee of the senate is authorized to enter into a

1.3

contract with the National Conference of State Legislators, or another entity, to conduct

1.4

a study of the senate's employee classification and compensation system. The study

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must be completed and a report on its conclusions presented to the Committee on Rules

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and Administration by January 15, 2007."