

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

 FIFTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 12, 2005

The House of Representatives convened at 9:30 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

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

The roll was called and the following members were present:

Abeler	Dittrich	Hilty	Latz	Ozment	Simpson
Anderson, I.	Dorman	Holberg	Lenczewski	Paulsen	Slawik
Atkins	Dorn	Hoppe	Lesch	Paymar	Smith
Beard	Eastlund	Hornstein	Liebling	Pelowski	Soderstrom
Bernardy	Eken	Hortman	Lieder	Penas	Solberg
Blaine	Ellison	Hosch	Lillie	Peppin	Sykora
Bradley	Emmer	Howes	Loeffler	Peterson, A.	Thao
Brod	Entenza	Huntley	Magnus	Peterson, N.	Thissen
Buesgens	Erickson	Jaros	Mahoney	Peterson, S.	Tingelstad
Carlson	Finstad	Johnson, J.	Mariani	Poppe	Urdahl
Charron	Fritz	Johnson, R.	Marquart	Powell	Vandev eer
Clark	Garofalo	Johnson, S.	McNamara	Rukavina	Wagenius
Cornish	Gazelka	Juhnke	Meslow	Ruth	Walker
Cox	Goodwin	Kahn	Moe	Ruud	Wardlow
Cybart	Greiling	Kelliher	Mullery	Sailer	Walti
Davids	Gunther	Klinzing	Murphy	Samuelson	Westerberg
Davnie	Hackbarth	Knoblach	Nelson, M.	Scalze	Westrom
Dean	Hamilton	Koenen	Nelson, P.	Seifert	Wilkin
DeLaForest	Hansen	Kohls	Newman	Sertich	Zellers
Demmer	Hausman	Krinkie	Nornes	Severson	Spk. Sviggum
Dempsey	Heidgerken	Lanning	Opatz	Sieben	
Dill	Hilstrom	Larson	Otremba	Simon	

A quorum was present.

Anderson, B., was excused.

Erhardt was excused until 9:55 a.m. Abrams was excused until 10:05 a.m. Olson was excused until 10:40 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Dill moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 1485 and H. F. No. 759, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mahoney moved that S. F. No. 1485 be substituted for H. F. No. 759 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 1485 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

DeLaForest; Hoppe; Anderson, B.; Emmer; Kohls and Seifert introduced:

H. F. No. 2512, A bill for an act relating to natural resources; repealing certain provisions prohibiting worker displacement; repealing Minnesota Statutes 2004, sections 84.901, subdivision 4; 85.045, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hansen, Ozment, Atkins, Mariani, Welti and Liebling introduced:

H. F. No. 2513, A bill for an act relating to transportation; appropriating money and authorizing bonds for the Robert Street Corridor Transit Way study and design.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Atkins, Wilkin, Davids, Meslow, Sailer and Thissen introduced:

H. F. No. 2514, A bill for an act relating to securities; enacting and modifying the 2002 Uniform Securities Act of the National Conference of Commissioners on Uniform State Laws; prescribing criminal penalties; amending Minnesota Statutes 2004, sections 60A.077, subdivision 9; 82.23; 82.43, subdivision 7; 144A.01, subdivision 4; 245A.02, subdivision 5a; 302A.011, subdivision 26; 302A.251, subdivision 4; 308A.505; 308B.465, subdivision 2; 322B.03, subdivision 43; 322B.663, subdivision 4; 356A.06, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 80A; repealing Minnesota Statutes 2004, sections 80A.01; 80A.02; 80A.03; 80A.04; 80A.041; 80A.05; 80A.06; 80A.07; 80A.08; 80A.09; 80A.10; 80A.11; 80A.115; 80A.12; 80A.122; 80A.125; 80A.13; 80A.14; 80A.15; 80A.16; 80A.17; 80A.18; 80A.19; 80A.22; 80A.23; 80A.24; 80A.25; 80A.26; 80A.27; 80A.28; 80A.29; 80A.30; 80A.31.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1761, A bill for an act relating to health; providing for voluntary disenrollment from MinnesotaCare for certain members of the military; amending Minnesota Statutes 2004, section 256L.07, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 947, A bill for an act relating to health; providing for an optional record of birth resulting in stillbirth; amending Minnesota Statutes 2004, sections 144.212, subdivision 8; 144.222, subdivision 1; 144.226, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Rules, part 4601.2200, subpart 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1333, A bill for an act relating to local government; permitting the city of Wabasha to establish a port authority commission; proposing coding for new law in Minnesota Statutes, chapter 469.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dempsey moved that the House concur in the Senate amendments to H. F. No. 1333 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1333, A bill for an act relating to local government; permitting the cities of Wabasha and Ortonville to establish a port authority commission; proposing coding for new law in Minnesota Statutes, chapter 469.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorman	Holberg	Lesch	Paulsen	Slawik
Atkins	Dorn	Hoppe	Liebling	Paymar	Smith
Bernardy	Eastlund	Hornstein	Lieder	Pelowski	Soderstrom
Blaine	Eken	Hortman	Lillie	Penas	Solberg
Bradley	Emmer	Hosch	Loeffler	Peppin	Sykora
Brod	Entenza	Howes	Magnus	Peterson, A.	Thao
Buesgens	Erickson	Huntley	Mahoney	Peterson, N.	Thissen
Carlson	Finstad	Jaros	Mariani	Peterson, S.	Tingelstad
Charron	Fritz	Johnson, J.	Marquart	Poppe	Urdahl
Clark	Garofalo	Johnson, R.	McNamara	Powell	Wagenius
Cornish	Gazelka	Juhnke	Meslow	Rukavina	Walker
Cox	Goodwin	Kahn	Moe	Ruth	Wardlow
Cybart	Greiling	Kelliher	Mullery	Ruud	Welti
Davids	Gunther	Klinzing	Murphy	Sailer	Westerberg
Davnie	Hackbarth	Knoblach	Nelson, M.	Scalze	Wilkin
Dean	Hamilton	Koenen	Nelson, P.	Seifert	Zellers
DeLaForest	Hansen	Kohls	Newman	Sertich	Spk. Sviggum
Demmer	Hausman	Lanning	Nornes	Severson	
Dempsey	Heidgerken	Larson	Opatz	Sieben	
Dill	Hilstrom	Latz	Otremba	Simon	
Dittrich	Hilty	Lenczewski	Ozment	Simpson	

The bill was repassed, as amended by the Senate, and its title agreed to.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 2461, the fifth engrossment, which was amended on Wednesday, May 11, 2005.

H. F. No. 2461, as amended on Wednesday, May 11, 2005, was reported to the House.

H. F. No. 2461, as amended, was read for the third time.

CALL OF THE HOUSE

On the motion of Kelliher and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, I.	Davnie	Finstad	Hilstrom	Juhnke	Liebling
Atkins	Dean	Fritz	Hilty	Kahn	Lieder
Bernardy	DeLaForest	Garofalo	Holberg	Kelliher	Lillie
Blaine	Dempsey	Gazelka	Hoppe	Klinzing	Loeffler
Bradley	Dill	Goodwin	Hornstein	Knoblach	Magnus
Brod	Dittrich	Greiling	Hortman	Koenen	Mahoney
Buesgens	Dorn	Gunther	Hosch	Kohls	Marquart
Charron	Eastlund	Hackbarth	Howes	Lanning	McNamara
Cornish	Eken	Hamilton	Huntley	Larson	Meslow
Cox	Emmer	Hansen	Jaros	Latz	Moe
Cybart	Entenza	Hausman	Johnson, J.	Lenczewski	Nelson, M.
Davids	Erickson	Heidgerken	Johnson, R.	Lesch	Nelson, P.

Newman	Penas	Powell	Seifert	Slawik	Wagenius
Opatz	Peppin	Rukavina	Sertich	Soderstrom	Walker
Otremba	Peterson, A.	Ruth	Severson	Solberg	Walti
Paulsen	Peterson, N.	Ruud	Sieben	Sykora	Westerberg
Paymar	Peterson, S.	Sailer	Simon	Tingelstad	Zellers
Pelowski	Poppe	Scalze	Simpson	Urdahl	Spk. Sviggum

Paulsen moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

MOTION TO RECESS

Paulsen moved that the House recess subject to the call of the Chair.

A roll call was requested and properly seconded.

The question was taken on the Paulsen motion and the roll was called.

Entenza moved that those not voting be excused from voting. The motion prevailed.

There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gazelka	Kohls	Paulsen	Soderstrom
Abrams	Dean	Gunther	Krinkie	Penas	Sykora
Beard	DeLaForest	Hackbarth	Lanning	Peppin	Urdahl
Blaine	Demmer	Hamilton	Magnus	Peterson, N.	Vandever
Bradley	Dempsey	Heidgerken	McNamara	Powell	Wardlow
Brod	Dorman	Holberg	Meslow	Ruth	Westerberg
Buesgens	Eastlund	Hoppe	Nelson, P.	Samuelson	Westrom
Charron	Emmer	Howes	Newman	Seifert	Wilkin
Cornish	Erickson	Johnson, J.	Nornes	Severson	Zellers
Cox	Finstad	Klinzing	Olson	Simpson	Spk. Sviggum
Cybart	Garofalo	Knoblach	Ozment	Smith	

Those who voted in the negative were:

Anderson, I.	Erhardt	Jaros	Lieder	Paymar	Slawik
Atkins	Fritz	Johnson, R.	Lillie	Pelowski	Solberg
Bernardy	Goodwin	Johnson, S.	Loeffler	Peterson, A.	Thao
Carlson	Greiling	Juhnke	Mahoney	Peterson, S.	Thissen
Clark	Hansen	Kahn	Mariani	Poppe	Tingelstad
Davnie	Hausman	Kelliher	Marquart	Rukavina	Wagenius
Dill	Hilstrom	Koenen	Moe	Ruud	Walker
Dittrich	Hilty	Larson	Mullery	Sailer	Walti
Dorn	Hornstein	Latz	Murphy	Scalze	
Eken	Hortman	Lenczewski	Nelson, M.	Sertich	
Ellison	Hosch	Lesch	Opatz	Sieben	
Entenza	Huntley	Liebling	Otremba	Simon	

The motion did not prevail.

H. F. No. 2461, A bill for an act relating to appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; providing for general contingent accounts and tort claims; authorizing issuance of trunk highway bonds; increasing tax on motor fuels; modifying vehicle registration tax; modifying law and proposing amendment to Minnesota Constitution to allocate proceeds of tax on sale of motor vehicles; allocating county state-aid highway funds; allocating portion of metropolitan sales tax revenue to transit fund; modifying provisions related to state mail, state highways and bridges, county state-aid highways, county wheelage taxes, toll facilities, railroad grade crossings, traffic fine allocations, commercial motor vehicles, day activity center buses, other motor vehicles, state aviation, airport noise mitigation reporting, bridges in smaller cities, highway signs, various accounts, weight limits on highways and other traffic regulations, drivers' licenses and permits, transit facilities and operations, gasoline sales, wetland replacement near the city of Cologne, the employment status of public safety radio communications operators, the insurance verification sampling program, maximum train speeds in the city of Orr, park-and-ride lots, a restriction on ethanol requirements, deputy registrar positions in Carver and Hennepin Counties, and bicycle programs; requiring studies and reports; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 16B.49; 115A.908, subdivision 1; 160.87, by adding a subdivision; 161.14, by adding subdivisions; 161.361, subdivision 2; 162.06, subdivision 2; 162.07, subdivision 1, by adding subdivisions; 162.08, subdivision 3; 163.051; 168.011, subdivisions 3, 4, 5, 5a, 6, 7, 25, by adding subdivisions; 168.013, subdivisions 1a, 8; 168.031; 168.09, subdivision 7; 168.091, subdivision 1; 168.10, subdivision 1c; 168.105, subdivisions 2, 3, 5; 168.12; 168.123; 168.1235; 168.124; 168.125; 168.1255; 168.127, subdivision 6; 168.128; 168.129; 168.1291; 168.1293; 168.1296; 168.1297; 168.15, subdivision 1; 168.16; 168.27, subdivision 11; 168.31, subdivision 5; 168.33; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.29; 168A.31; 169.01, subdivisions 75, 76, 78; 169.09, subdivision 13; 169.18, subdivisions 4, 5, 11, as amended, if enacted; 169.448, by adding a subdivision; 169.71, subdivision 1; 169.81, subdivision 3c; 169.824, subdivision 2; 169.851, subdivision 5; 169.86, subdivision 5; 169.87, subdivision 4; 169.99, subdivision 1b; 169A.52, subdivision 3; 169A.60, subdivision 16; 171.01, subdivisions 22, 35, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.05, subdivisions 1, 2; 171.06, subdivisions 2, 2a; 171.061, subdivision 4; 171.07, subdivision 11; 171.09; 171.12, subdivisions 3, 6; 171.13, subdivisions 2, 6, by adding a subdivision; 171.165, subdivisions 1, 2, 6; 171.18, subdivision 1; 171.20, subdivision 4; 171.26; 171.29, subdivision 2; 171.36; 174.03, by adding subdivisions; 174.50, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 192.502, subdivision 2; 197.65; 296A.07, subdivision 3; 296A.08, subdivision 2; 297A.94; 297B.09, subdivision 1; 299D.03, subdivision 5; 469.015, subdivision 4; 473.446, subdivision 3; 473.4461; 473.604, subdivision 5; 473F.08, subdivision 3b; 609.855, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 169; 171; 174; 190; 219; 299A; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.15, subdivision 2; 168.231; 168.345, subdivisions 3, 4; 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; 168C.13; 170.23; 171.12, subdivision 8; 171.165, subdivisions 3, 4, 4a, 4b; 171.185; 473.408, subdivision 1; Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; 7407.1300; 7503.2400; 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; 8855.0500, subpart 1.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Hosch	Lesch	Opatz	Scalze
Anderson, I.	Erhardt	Huntley	Liebling	Ozment	Sertich
Atkins	Fritz	Jaros	Lieder	Paymar	Sieben
Bernardy	Garofalo	Johnson, R.	Lillie	Pelowski	Simon
Carlson	Goodwin	Johnson, S.	Loeffler	Peterson, A.	Slawik
Clark	Greiling	Juhnke	Mahoney	Peterson, N.	Solberg
Cox	Hansen	Kahn	Mariani	Peterson, S.	Thao
Davnie	Hausman	Kelliher	McNamara	Poppe	Thissen
Dill	Hilstrom	Koenen	Meslow	Rukavina	Tingelstad
Dittrich	Hilty	Larson	Mullery	Ruud	Wagenius
Dorn	Hornstein	Latz	Murphy	Sailer	Walker
Ellison	Hortman	Lenczewski	Nelson, M.	Samuelson	Welti

Those who voted in the negative were:

Abrams	DeLaForest	Hackbarth	Lanning	Peppin	Wardlow
Beard	Demmer	Hamilton	Magnus	Powell	Westerberg
Blaine	Dempsey	Heidgerken	Marquart	Ruth	Westrom
Bradley	Dorman	Holberg	Moe	Seifert	Wilkin
Brod	Eastlund	Hoppe	Nelson, P.	Severson	Zellers
Buesgens	Eken	Howes	Newman	Simpson	Spk. Sviggum
Charron	Emmer	Johnson, J.	Nornes	Smith	
Cornish	Erickson	Klinzing	Olson	Soderstrom	
Cybart	Finstad	Knoblach	Otremba	Sykora	
Davids	Gazelka	Kohls	Paulsen	Urdahl	
Dean	Gunther	Krinkie	Penas	Vandever	

The bill was passed, as amended, and its title agreed to.

CALL OF THE HOUSE LIFTED

Paulsen moved that the call of the House be suspended. The motion prevailed and it was so ordered.

CALENDAR FOR THE DAY

Paulsen moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Rukavina moved that the names of Carlson, Lillie, Dorn and Johnson, R., be added as authors on H. F. No. 169. The motion prevailed.

Severson moved that the names of Carlson and Dorn be added as authors on H. F. No. 682. The motion prevailed.

Lenczewski moved that the name of Peterson, S., be added as an author on H. F. No. 705. The motion prevailed.

Abrams moved that the names of Dorn and Peterson, S., be added as authors on H. F. No. 711. The motion prevailed.

Abeler moved that the names of Paulsen, Carlson and Lillie be added as authors on H. F. No. 770. The motion prevailed.

Ruud moved that the names of Lillie and Dorn be added as authors on H. F. No. 780. The motion prevailed.

Vandever moved that the names of Carlson and Lillie be added as authors on H. F. No. 890. The motion prevailed.

Davids moved that the name of Bernardy be added as an author on H. F. No. 1314. The motion prevailed.

Cox moved that the name of Bernardy be added as an author on H. F. No. 1391. The motion prevailed.

Nelson, P., moved that the names of Dorn and Johnson, R., be added as authors on H. F. No. 1392. The motion prevailed.

Magnus moved that the name of Paulsen be added as an author on H. F. No. 1640. The motion prevailed.

Peterson, A., moved that the names of Latz and Simon be added as authors on H. F. No. 1798. The motion prevailed.

Simon moved that the names of Bernardy, Carlson and Dorn be added as authors on H. F. No. 1906. The motion prevailed.

Vandever moved that the name of Dorn be added as an author on H. F. No. 1908. The motion prevailed.

Lenczewski moved that the name of Peterson, S., be added as an author on H. F. No. 2130. The motion prevailed.

Krinkie moved that the name of Bernardy be added as an author on H. F. No. 2178. The motion prevailed.

Knoblach moved that the name of Peterson, S., be added as an author on H. F. No. 2361. The motion prevailed.

Urdahl moved that the name of Meslow be added as an author on H. F. No. 2492. The motion prevailed.

Peterson, A., moved that the name of Sailer be added as an author on H. F. No. 2506. The motion prevailed.

Mullery introduced:

House Resolution No. 18, A House resolution recognizing July 31 through August 14, 2005, as a time for PEACE Games in Minneapolis to end violence.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, May 13, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Friday, May 13, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

