

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2006

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 ONE HUNDRED SEVENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 16, 2006

The House of Representatives convened at 10:00 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	Hilstrom	Latz	Paulsen	Smith
Abrams	Dorman	Hilty	Lenczewski	Paymar	Soderstrom
Anderson, B.	Dorn	Holberg	Lesch	Pelowski	Solberg
Atkins	Eastlund	Hoppe	Liebling	Penas	Sykora
Beard	Eken	Hornstein	Lieder	Peppin	Thao
Bernardy	Ellison	Hortman	Lillie	Peterson, A.	Thissen
Blaine	Emmer	Hosch	Loeffler	Peterson, N.	Tingelstad
Bradley	Entenza	Howes	Magnus	Peterson, S.	Urdahl
Brod	Erhardt	Huntley	Mahoney	Poppe	Vandever
Buesgens	Erickson	Jaros	Mariani	Powell	Wagenius
Carlson	Finstad	Johnson, J.	Marquart	Rukavina	Walker
Charron	Fritz	Johnson, R.	McNamara	Ruth	Wardlow
Clark	Garofalo	Johnson, S.	Meslow	Ruud	Walti
Cornish	Gazelka	Juhnke	Moe	Sailer	Westerberg
Cox	Goodwin	Kahn	Mullery	Samuelson	Westrom
Cybart	Greiling	Kelliher	Murphy	Scalze	Wilkin
Davids	Gunther	Klinzing	Nelson, M.	Seifert	Zellers
Davnie	Hackbarth	Knoblach	Nelson, P.	Sertich	Spk. Sviggum
Dean	Hamilton	Koenen	Newman	Severson	
DeLaForest	Hansen	Kohls	Nornes	Sieben	
Demmer	Hausman	Krinkie	Olson	Simon	
Dempsey	Haws	Lanning	Otremba	Simpson	
Dill	Heidgerken	Larson	Ozment	Slawik	

A quorum was present.

Anderson, I., was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Dean 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. 2743 and H. F. No. 3110, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Westrom moved that the rules be so far suspended that S. F. No. 2743 be substituted for H. F. No. 3110 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2798 and H. F. No. 3542, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Westrom moved that the rules be so far suspended that S. F. No. 2798 be substituted for H. F. No. 3542 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3236 and H. F. No. 3376, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Magnus moved that S. F. No. 3236 be substituted for H. F. No. 3376 and that the House File be indefinitely postponed. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

May 11, 2006

The Honorable Steve Sviggum  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Sviggum:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 3285, relating to metropolitan land use planning; removing the requirement for metropolitan council review of school district capital improvement programs.

H. F. No. 2514, relating to securities; enacting and modifying the 2002 Uniform Securities Act of the National Conference of Commissioners on Uniform State Laws; prescribing criminal penalties.

H. F. No. 3712, relating to the environment; requiring disclosure regarding disposal of fluorescent lamps containing mercury; requiring mercury emissions reduction by public utilities.

Sincerely,

TIM PAWLENTY  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Steve Sviggum  
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 2006 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:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2006</i>	<i>Date Filed 2006</i>
2646		192	12:25 p.m. May 11	May 11
	3285	194	12:30 p.m. May 11	May 11
	2514	196	12:20 p.m. May 11	May 11
	3712	201	11:10 a.m. May 11	May 11

Sincerely,

MARY KIFFMEYER  
Secretary of State

**SECOND READING OF SENATE BILLS**

S. F. Nos. 2743, 2798 and 3236 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Abeler, Walker, Otremba and Goodwin introduced:

H. F. No. 4205, A bill for an act relating to health; providing for licensing of naturopathic doctors; providing criminal penalties; amending Minnesota Statutes 2004, sections 116J.70, subdivision 2a; 145.61, subdivision 2; 146.23, subdivision 7; 151.01, subdivision 23; 214.23, subdivision 1; 604A.01, subdivision 2; 604A.015; Minnesota Statutes 2005 Supplement, sections 144.335, subdivision 1; 148B.60, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 147E.

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

Gazelka, Jaros, Poppe, Huntley and Sviggum introduced:

H. F. No. 4206, A bill for an act relating to local option sales taxes; authorizing the city of Duluth to increase its food and beverage tax; authorizing each of the cities of Austin, Baxter, Brainerd, and Nisswa to impose a local sales tax; amending Laws 1980, chapter 511, section 1, subdivision 2, as amended.

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

Klinzing introduced:

H. F. No. 4207, A bill for an act proposing an amendment to the Minnesota Constitution, by adding an article XV; providing for limits on state and local spending and tax increases.

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

Klinzing and Charron introduced:

H. F. No. 4208, A bill for an act relating to taxes; individual income; conforming to marriage penalty relief in the standard deduction in Working Families Tax Relief Act of 2004; amending Minnesota Statutes 2005 Supplement, sections 290.01, subdivision 19a; 290.0675, subdivision 1.

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

Klinzing and Charron introduced:

H. F. No. 4209, A bill for an act relating to education finance; increasing funding for basic education revenue; amending Minnesota Statutes 2005 Supplement, section 126C.10, subdivision 2.

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

Klinzing and Charron introduced:

H. F. No. 4210, A bill for an act relating to education finance; increasing funding for early childhood family education; amending Minnesota Statutes 2005 Supplement, section 124D.135, subdivision 1.

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

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

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Smith.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

Pursuant to Joint Rule 3.02(a), the Conference Committee on S. F. No. 644 was discharged after adjournment on May 23, 2005 and the bill was laid on the table.

S. F. No. 644, A bill for an act relating to family law; requiring notification of noncustodial parents, corrections agents, local welfare agencies, and the court, of residence of a custodial parent with certain convicted persons; changing certain presumptions relating to paternity; disallowing certain convicted persons from becoming custodians of unrelated children; changing certain procedures for removal of a child's residence from Minnesota; requiring certain information in summary real estate disposition judgments; identifying pension plans subject to marital property division; authorizing the Department of Human Services to collect spousal maintenance; changing certain provisions concerning adoption communication or contact agreements; appropriating money; amending Minnesota Statutes 2004, sections 257.55, subdivision 1; 257.57, subdivision 2; 257.62, subdivision 5; 257C.03, subdivision 7; 259.24, subdivisions 1, 2a, 5, 6a; 259.58; 260C.201, subdivision 11; 260C.212, subdivision 4; 518.091, subdivision 1; 518.1705, subdivisions 4, 7; 518.175, subdivision 3; 518.179, by adding a subdivision; 518.18; 518.191, subdivision 2; 518.54, subdivisions 4a, 14, by adding a subdivision; 518.551, subdivision 1; 518.58, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 244; 257; 260C.

S. F. No. 644 has been taken from the table and a new Conference Committee has been appointed.

The Senate has appointed as such committee:

Senators Neuville, Betzold and Skoglund.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Holberg moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 644. The motion prevailed.

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. 2722, A bill for an act relating to homeowner's insurance; regulating coverage for home-based adult foster care services; proposing coding for new law in Minnesota Statutes, chapter 65A.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Solberg moved that the House concur in the Senate amendments to H. F. No. 2722 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2722, A bill for an act relating to homeowner's insurance; regulating coverage for home-based adult foster care services; proposing coding for new law in Minnesota Statutes, chapter 65A.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2980, 3058 and 2994.

PATRICK E. FLAHAVEN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 2980, A bill for an act relating to drivers' licenses; modifying definition of "conviction"; modifying content required on driver's license; allowing 60-day cancellation of driver's license when application information inadequate; making clarifying changes; amending Minnesota Statutes 2004, sections 171.01, subdivision 29; 171.14; Minnesota Statutes 2005 Supplement, section 171.07, subdivision 1.

The bill was read for the first time.

Holberg moved that S. F. No. 2980 and H. F. No. 3312, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3058, A bill for an act relating to higher education; determining instructional service base; providing adjustments for enrollments; regulating tuition paid by seniors for certain courses; determining resident tuition; defining certain terms; eliminating obsolete language; authorizing the office to enter into certain agreements; amending certain data classification provisions; providing for loan rehabilitation; providing for temporary total disability for certain loans; amending work-study payment eligibility; authorizing the Minnesota State Colleges and Universities Board of Trustees to control certain depository services; limiting approval of certain higher education degrees; requiring certain studies; authorizing construction of an academic building; amending Minnesota Statutes 2004, sections 135A.031, subdivision 7, by adding subdivisions; 135A.053, subdivision 2; 136A.15, by adding a subdivision; 136A.16, by adding a subdivision; 136A.162; 136A.1701, by adding a subdivision; 136A.233, subdivision 3; 136F.02, subdivision 1; 136F.42, subdivision 1; 136F.71, subdivision 2, by adding a subdivision; Minnesota Statutes 2005 Supplement, sections 135A.52, subdivisions 1, 2; 136A.1701, subdivision 12; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; repealing Minnesota Statutes 2004, sections 135A.031, subdivision 5; 135A.033; 136A.15, subdivision 5; 136A.1702; Minnesota Statutes 2005 Supplement, section 135A.031, subdivisions 3, 4; Minnesota Rules, parts 4850.0011, subparts 9, 10, 14, 27; 4850.0014, subpart 1.

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

S. F. No. 2994, A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special education, facilities, accounting, and technology, state agencies, technical and conforming amendments, and early childhood education; providing for postsecondary education; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2004, sections 119A.50, subdivision 1; 119A.52; 119A.53; 119A.545; 120A.20, subdivision 1; 120A.22, subdivision 3; 120B.021, subdivision 1, by adding a subdivision; 120B.023; 120B.024; 121A.035; 121A.15, subdivision 10; 121A.17, subdivision 3; 122A.18, subdivision 2; 123A.06, subdivision 2; 123A.44; 123A.441; 123A.442; 123A.443; 123B.10, subdivision 1; 123B.77, subdivision 3, by adding a subdivision; 123B.90, subdivision 2; 123B.91, by adding a subdivision; 124D.02, subdivisions 2, 4; 124D.095, subdivision 3; 124D.096; 124D.10, subdivision 16; 124D.11, subdivision 9; 124D.13, subdivisions 2, 3; 124D.61; 124D.68, subdivision 3; 125A.02, subdivision 1; 125A.515,

subdivisions 1, 3, 5, 6, 7, 9, 10; 125A.62, subdivision 1; 125A.63, subdivision 4; 125A.65, subdivisions 3, 4, 6, 8, 10; 125A.69, subdivision 3; 125A.75, subdivision 1, by adding a subdivision; 126C.05, subdivision 1; 126C.10, subdivision 6, by adding subdivisions; 126C.44; 127A.41, subdivision 2; 135A.031, subdivision 7, by adding subdivisions; 135A.053, subdivision 2; 136A.15, by adding a subdivision; 136A.16, by adding a subdivision; 136A.162; 136A.1701, by adding a subdivision; 136A.233, subdivision 3; 136F.02, subdivision 1; 136F.42, subdivision 1; 136F.71, subdivision 2, by adding a subdivision; 169.01, subdivision 6; 169.447, subdivision 2; 169.4501, subdivisions 1, 2; 169.4502, subdivision 5; 169.4503, subdivision 20; 171.321, subdivisions 4, 5; 181.101; 245A.023; 245A.14, by adding a subdivision; 299F.30; 626.556, subdivisions 3b, 3c; Minnesota Statutes 2005 Supplement, sections 120B.021, subdivision 1a; 120B.11, subdivision 2; 120B.131, subdivision 2; 121A.17, subdivision 5; 122A.414, subdivisions 2b, 3; 123B.04, subdivision 2; 123B.76, subdivision 3; 123B.92, subdivisions 1, 5; 124D.095, subdivision 4; 124D.175; 124D.68, subdivision 2; 125A.11, subdivision 1; 125A.79, subdivision 1; 126C.10, subdivisions 24, 31; 126C.17, subdivision 9; 126C.43, subdivision 2; 127A.45, subdivision 10; 135A.52, subdivisions 1, 2; 626.556, subdivisions 2, 3; Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 13; article 7, section 20, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 119A; 121A; 135A; 136A; repealing Minnesota Statutes 2004, sections 119A.51; 120A.20, subdivision 3; 121A.23; 123B.749; 125A.10; 125A.515, subdivision 2; 135A.031, subdivision 5; 135A.033; 136A.15, subdivision 5; 136A.1702; 169.4502, subdivision 15; 169.4503, subdivisions 17, 18, 26; Minnesota Statutes 2005 Supplement, section 135A.031, subdivisions 3, 4; Minnesota Rules, parts 4850.0011, subparts 9, 10, 14, 27; 4850.0014, subpart 1.

The bill was read for the first time.

Buesgens moved that S. F. No. 2994 and H. F. No. 3179, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

Clark was excused for the remainder of today's session.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Tuesday, May 16, 2006:

H. F. Nos. 3761, 3288 and 3312; S. F. No. 930; H. F. No. 333; S. F. No. 3087; H. F. No. 3664; S. F. Nos. 2743 and 3199; H. F. No. 3442; and S. F. No. 2939.

#### CALENDAR FOR THE DAY

H. F. No. 3761 was reported to the House.

Seifert; Magnus; Buesgens; Peterson, A.; Gunther; Juhnke; Wilkin; Newman; Hamilton and Simpson moved to amend H. F. No. 3761, the fourth engrossment, as follows:

Page 20, after line 4, insert:

"Sec. 9. **[174.11] AREA TRANSPORTATION PARTNERSHIPS.**



Any staff or other direct representative of an agency of the state of Minnesota serving on the governing body of an area transportation partnership must be a non-voting member.

**EFFECTIVE DATE.** This section is effective June 1, 2006."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Seifert et al amendment and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Abrams and Lieder moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 5, lines 16 and 17, delete "as amended by this act."

Page 7, delete section 9

Page 12, line 2, delete "as amended by this act,"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Abrams and Lieder amendment and the roll was called. There were 63 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abeler	Erhardt	Huntley	Liebling	Paymar	Simon
Abrams	Fritz	Jaros	Lieder	Pelowski	Slawik
Atkins	Garofalo	Johnson, R.	Lillie	Peterson, A.	Solberg
Bernardy	Goodwin	Johnson, S.	Loeffler	Peterson, N.	Thao
Carlson	Greiling	Kahn	Mariani	Peterson, S.	Thissen
Cox	Hansen	Kelliher	McNamara	Poppe	Tingelstad
Davnie	Hausman	Krinkie	Meslow	Powell	Wagenius
Dittrich	Hilstrom	Larson	Mullery	Ruud	Walker
Dorn	Hilty	Latz	Murphy	Samuelson	
Ellison	Hornstein	Lenczewski	Nelson, M.	Scalze	
Entenza	Hortman	Lesch	Newman	Sieben	

Those who voted in the negative were:

Anderson, B.	Demmer	Hamilton	Kohls	Penas	Urdahl
Beard	Dempsey	Haws	Lanning	Peppin	Vandever
Blaine	Dill	Heidgerken	Magnus	Rukavina	Wardlow
Bradley	Dorman	Holberg	Mahoney	Ruth	Welti
Brod	Eastlund	Hoppe	Marquart	Sailer	Westerberg
Buesgens	Eken	Hosch	Moe	Seifert	Westrom
Charron	Emmer	Howes	Nelson, P.	Sertich	Wilkin
Cornish	Erickson	Johnson, J.	Nornes	Severson	Zellers
Cybart	Finstad	Juhnke	Olson	Simpson	Spk. Sviggum
Davids	Gazelka	Klinzing	Otremba	Smith	
Dean	Gunther	Knoblach	Ozment	Soderstrom	
DeLaForest	Hackbarth	Koenen	Paulsen	Sykora	

The motion did not prevail and the amendment was not adopted.

Abrams and Lieder moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 8, after line 12, insert:

"Sec. 12. ACTION CONCERNING BALLOT QUESTION.

If a court determines that the 2006 Legislature does not have authority to amend the proposed constitutional amendment under Laws 2005, chapter 88, article 3, section 9, as amended by this act, then it is the intent of the 2006 Legislature that the change to the ballot question under article 1, section 10 of this act nonetheless takes effect."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Urdahl moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 13, after line 9, insert:

"Sec. 2. **[168.1299] SPECIAL "COMBAT DRUG ABUSE" PLATES.**

Subdivision 1. **General requirements and procedures.** The registrar shall issue special "combat drug abuse" license plates to an applicant who:

- (1) is an owner or joint owner of a passenger automobile;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) pays an annual additional contribution of \$30 for deposit in the chemical dependency treatment fund; and
- (6) complies with laws and rules governing registration and licensing of vehicles and drivers.

Subd. 2. **Design.** The commissioner shall design the special plates in consultation with the commissioner of human services. The plates must bear a distinguishing number and the words "combat drug abuse."

Subd. 3. **Plate transfers.** Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile owned or jointly owned by the person to whom the special plates were issued.

Subd. 4. **Fees credited.** The fees collected under this section, excluding contributions, must be deposited in the state treasury and credited to the highway user tax distribution fund.

Subd. 5. **Chemical dependency fund.** The commissioner shall deposit all contributions received under this section into the chemical dependency fund for the purposes of chapter 254B.

Subd. 6. **Compliance with other law.** License plates issued under this section are not subject to section 168.1293, except for the provisions of subdivision 2, clauses (2) and (3).

**EFFECTIVE DATE.** This section is effective when the requirements of section 168.1293, subdivision 2, clauses (2) and (3) are met, and expires on June 30, 2007 if those requirements are not met."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

#### CALL OF THE HOUSE

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

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

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.

Cox and Erhardt moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 14, after line 19, insert:

"Sec. 5. Minnesota Statutes 2004, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) the driver and passengers of a passenger vehicle or commercial motor vehicle;

~~(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and~~

~~(3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.~~

(b) A person who is 15 years of age or older and who violates paragraph (a), ~~clause (1) or (2)~~, is subject to a fine of \$25. The driver of the ~~passenger vehicle or commercial motor~~ vehicle in which the violation occurred is subject to a \$25 fine for a violation of paragraph (a), ~~clause (2) or (3)~~, by a ~~child of the driver~~ passenger under the age of 15 ~~or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment.~~ The Department of Public Safety shall not record a violation of this subdivision on a person's driving record."

Page 20, after line 4, insert:

"Sec. 9. Minnesota Statutes 2005 Supplement, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

(c) The permit holder may operate a motor vehicle only when every occupant under the age of ~~18~~ 15 has a seat belt or child passenger restraint system properly fastened according to sections 169.685 and 169.686. A person who violates this paragraph is subject to a fine of \$25. ~~A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. A passenger who is at least 15 years of age is subject to the requirements and penalty of section 169.686.~~ The commissioner shall not record a violation of this paragraph on a person's driving record.

(d) The permit holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The permit holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger.

(e) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.

Sec. 10. Minnesota Statutes 2005 Supplement, section 171.055, subdivision 2, is amended to read:

Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a motor vehicle only when every occupant under the age of ~~18~~ 15 has a seat belt or child passenger restraint system properly fastened according to sections 169.685 and 169.686. A person who violates this paragraph is subject to a fine of \$25. ~~A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. A passenger who is at least 15 years of age is subject to the requirements and penalty of section 169.686.~~ The commissioner shall not record a violation of this paragraph on a person's driving record.

(b) A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger.

(c) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation as defined in section 171.04, or (3) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Cox and Erhardt amendment and the roll was called.

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

There were 40 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Cornish	Fritz	Jaros	Lenczewski	Nelson, P.	Sieben
Cox	Greiling	Johnson, R.	Liebling	Otremba	Simon
Dittrich	Hansen	Juhnke	Lieder	Paymar	Thissen
Eken	Hausman	Kahn	Lillie	Peterson, S.	Wagenius
Ellison	Hornstein	Kelliher	Loeffler	Poppe	Welti
Entenza	Hortman	Larson	Meslow	Powell	
Erhardt	Huntley	Latz	Murphy	Ruud	

Those who voted in the negative were:

Abeler	DeLaForest	Hamilton	Lanning	Pelowski	Soderstrom
Abrams	Demmer	Haws	Lesch	Penas	Solberg
Atkins	Dempsey	Heidgerken	Magnus	Peppin	Sykora
Beard	Dill	Hilstrom	Mahoney	Peterson, A.	Thao
Bernardy	Dorman	Hilty	Mariani	Peterson, N.	Tingelstad
Blaine	Dorn	Holberg	Marquart	Rukavina	Urdahl
Bradley	Eastlund	Hoppe	McNamara	Ruth	Vandever
Brod	Emmer	Howes	Moe	Sailer	Walker
Buesgens	Erickson	Johnson, J.	Mullery	Samuelson	Wardlow
Carlson	Finstad	Johnson, S.	Nelson, M.	Scalze	Westerberg
Charron	Garofalo	Klinzing	Newman	Seifert	Westrom
Cybart	Gazelka	Knoblach	Nornes	Sertich	Wilkin
Dauids	Goodwin	Koenen	Olson	Severson	Zellers
Davnie	Gunther	Kohls	Ozment	Simpson	Spk. Sviggum
Dean	Hackbarth	Krinkie	Paulsen	Smith	

The motion did not prevail and the amendment was not adopted.

## CALL OF THE HOUSE LIFTED

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

Mariani was excused between the hours of 1:00 p.m. and 4:05 p.m.

Juhnke moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 14, after line 19, insert:

"Sec. 5. Minnesota Statutes 2005 Supplement, section 169.01, subdivision 78, is amended to read:

Subd. 78. **Recreational vehicle combination.** (a) "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; all-terrain vehicle as defined in section 84.92, subdivision 8; motorized golf cart; or equestrian equipment or supplies.

(b) For purposes of this subdivision:

(1) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a towing pickup truck in which a portion of the weight of the camper-semitrailer is carried over or forward of the rear axle of the towing pickup.

(2) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.

Sec. 6. Minnesota Statutes 2005 Supplement, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. **Recreational vehicle combination.** Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 70 feet in length;

(3) the middle vehicle in the combination does not exceed 28 feet in length;

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, all-terrain vehicle, motorized golf cart, or equestrian equipment or supplies meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Cornish; Demmer; Fritz; Johnson, R.; Davids; Gunther; Poppe; Hamilton; Magnus; Simpson and Juhnke moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 14, after line 19, insert:

"Sec. 5. Minnesota Statutes 2004, section 169.823, subdivision 1, is amended to read:

Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(1) where the gross weight on any wheel exceeds ~~9,000 pounds, except that on designated local routes and state trunk highways the gross weight on any single wheel shall not exceed~~ 10,000 pounds;

(2) where the gross weight on any single axle exceeds ~~18,000 pounds, except that on designated local routes and state trunk highways the gross weight on any single axle shall not exceed~~ 20,000 pounds;

(3) where the maximum wheel load:

(i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or

(ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less. This item applies to new vehicles manufactured after August 1, 1991. For vehicles manufactured before August 2, 1991, the maximum weight per inch of tire width is 600 pounds per inch or the manufacturer's recommended load, whichever is less, until August 1, 1996. After July 31, 1996, this item applies to all vehicles regardless of date of manufacture;

(4) where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the gross weight of the tridem combination does not exceed 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart;

(5) where the gross weight on any group of axles exceeds the weights permitted under sections 169.822 to 169.829 with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration.

**EFFECTIVE DATE.** This section is effective the day following final enactment."



Page 20, after line 4, insert:

"Sec. 10. Minnesota Statutes 2004, section 169.87, subdivision 2, is amended to read:

Subd. 2. **Seasonal load restriction.** Except for portland cement concrete roads, between the dates set by the commissioner of transportation each year, the weight on any single axle shall not exceed ~~five~~ seven tons on a county highway, town road, or city street that has not been restricted as provided in subdivision 1. The gross weight on consecutive axles shall not exceed the gross weight allowed in sections 169.822 to 169.829 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

Hortman; Paymar; Erhardt; Nelson, P.; Ruud and Lenczewski moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 14, after line 19, insert:

"Sec. 5. Minnesota Statutes 2004, section 169.685, subdivision 5, is amended to read:

Subd. 5. **Violation; petty misdemeanor.** (a) Every motor vehicle operator, when transporting a child under the age of ~~four~~ six on the streets and highways of this state in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system meeting federal motor vehicle safety standards.

(b) No motor vehicle operator who is operating a motor vehicle on the streets and highways of this state may transport a child under the age of ~~four~~ six in a seat of a motor vehicle equipped with a factory-installed seat belt, unless the child is properly fastened in the child passenger restraint system.

(c) Any motor vehicle operator who violates this subdivision is guilty of a petty misdemeanor and may be sentenced to pay a fine of not more than \$50. The fine for the first violation may be waived or the amount reduced if the motor vehicle operator produces evidence that within 14 days after the date of the violation a child passenger restraint system meeting federal motor vehicle safety standards was purchased or obtained for the exclusive use of the operator.

(~~e~~) (d) The fines collected for violations of this subdivision must be deposited in the state treasury and credited to a special account to be known as the Minnesota child passenger restraint and education account.

**EFFECTIVE DATE.** This section is effective for offenses committed on or after August 1, 2006."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hortman et al amendment and the roll was called. There were 50 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abeler	Eken	Haws	Knoblach	Paymar	Simon
Atkins	Ellison	Hornstein	Larson	Pelowski	Slawik
Bernardy	Entenza	Hortman	Latz	Peterson, N.	Thissen
Carlson	Erhardt	Huntley	Lenczewski	Peterson, S.	Tingelstad
Cornish	Fritz	Jaros	Liebling	Poppe	Wagenius
Cox	Gazelka	Johnson, R.	Lieder	Powell	
Davnie	Goodwin	Johnson, S.	Lillie	Ruud	
Dittrich	Greiling	Kahn	Loeffler	Scalze	
Dorn	Hausman	Kelliher	Nelson, P.	Sieben	

Those who voted in the negative were:

Abrams	Dill	Holberg	Marquart	Peppin	Thao
Anderson, B.	Dorman	Hoppe	McNamara	Peterson, A.	Urdahl
Beard	Eastlund	Hosch	Meslow	Rukavina	Vandever
Blaine	Emmer	Howes	Moe	Ruth	Walker
Bradley	Erickson	Johnson, J.	Mullery	Sailer	Wardlow
Brod	Finstad	Juhnke	Murphy	Samuelson	Walti
Buesgens	Garofalo	Klinzing	Nelson, M.	Seifert	Westerberg
Charron	Gunther	Koenen	Newman	Sertich	Westrom
Cybart	Hackbarth	Kohls	Nornes	Severson	Wilkin
Davids	Hamilton	Krinkie	Olson	Simpson	Zellers
Dean	Hansen	Lanning	Otremba	Smith	Spk. Sviggum
DeLaForest	Heidgerken	Lesch	Ozment	Soderstrom	
Demmer	Hilstrom	Magnus	Paulsen	Solberg	
Dempsey	Hilty	Mahoney	Penas	Sykora	

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

Nelson, P., moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Pages 13 and 14, delete section 3

Page 14, delete section 4

Pages 19 and 20, delete sections 7 and 8

A roll call was requested and properly seconded.

The question was taken on the Nelson, P., amendment and the roll was called. There were 40 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Beard	Dean	Garofalo	Klinzing	Ozment	Westerberg
Blaine	DeLaForest	Gazelka	Kohls	Peppin	Westrom
Bradley	Demmer	Hackbarth	Krinking	Ruth	Wilkin
Buesgens	Dempsey	Holberg	Lanning	Simpson	Zellers
Cornish	Eastlund	Hoppe	Meslow	Soderstrom	Spk. Sviggum
Cybart	Emmer	Howes	Nelson, P.	Sykora	
Davids	Erickson	Johnson, J.	Nornes	Vanderveer	

Those who voted in the negative were:

Abeler	Ellison	Hortman	Liebling	Paulsen	Sertich
Abrams	Entenza	Hosch	Lieder	Paymar	Severson
Anderson, B.	Erhardt	Huntley	Lillie	Pelowski	Sieben
Atkins	Finstad	Jaros	Loeffler	Penas	Simon
Bernardy	Fritz	Johnson, R.	Magnus	Peterson, A.	Slawik
Brod	Goodwin	Johnson, S.	Mahoney	Peterson, N.	Smith
Carlson	Greiling	Juhnke	Marquart	Peterson, S.	Solberg
Charron	Gunther	Kahn	McNamara	Poppe	Thao
Cox	Hamilton	Kelliher	Moe	Powell	Thissen
Davnie	Hansen	Knoblach	Mullery	Rukavina	Tingelstad
Dill	Hausman	Koenen	Murphy	Ruud	Wagenius
Dittrich	Haws	Larson	Nelson, M.	Sailer	Walker
Dorman	Heidgerken	Latz	Newman	Samuelson	Wardlow
Dorn	Hilty	Lenczewski	Olson	Scalze	Wolti
Eken	Hornstein	Lesch	Otremba	Seifert	

The motion did not prevail and the amendment was not adopted.

Carlson; Nelson, M., and Hilstrom moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 22, after line 13, insert:

"Sec. 15. **CRYSTAL AIRPORT; REPORT.**

By February 1, 2007, the commissioner of transportation must submit a report to the legislature under Minnesota Statutes, section 3.195, and to the chairs and ranking minority members of the senate and house committees having jurisdiction over airport issues. The report must include:

(1) an economic analysis of the Crystal Airport, including local and regional economic impacts;

(2) an analysis of potential alternative uses of the land currently occupied by the Crystal Airport, including the costs and benefits of the alternative uses; and

(3) recommendations on which of the uses of the land currently occupied by the Crystal Airport would be of the greatest benefit to the general public."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Vandever; Garofalo; Solberg; Mariani; Krinkie; Atkins; Goodwin; Rukavina; Penas; Dean; Anderson, B.; Emmer; Entenza; Juhnke; Tingelstad and Charron moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 12, after line 5, insert:

"Section 1. **[160.94] TOLL FACILITIES PROHIBITED.**

Neither the commissioner nor a road authority may impose or authorize the imposition of a toll for the use of a bridge, highway, or highway lane. Any bridge, highway, or highway lane having a toll imposed on or before July 1, 2006 must have no toll imposed by July 1, 2013."

Page 22, after line 13, insert:

"Sec. 15. **REPEALER.**

Minnesota Statutes 2004, sections 160.84; 160.85; 160.86; 160.87; 160.88; 160.89; 160.90; 160.91; 160.92; and 160.93, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Vandever et al amendment and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Entenza	Hilty	Krinkie	Nelson, M.	Sieben
Atkins	Erickson	Hornstein	Larson	Olson	Smith
Bernardy	Fritz	Hortman	Lenczewski	Otremba	Solberg
Carlson	Garofalo	Hosch	Liebling	Pelowski	Thao
Davnie	Goodwin	Huntley	Lillie	Penas	Tingelstad
Dean	Greiling	Jaros	Mahoney	Peppin	Vandever
Dorn	Hackbarth	Johnson, R.	Marquart	Peterson, S.	Wagenius
Eken	Hansen	Johnson, S.	Moe	Rukavina	Walker
Ellison	Hausman	Juhnke	Mullery	Sailer	Walti
Emmer	Hilstrom	Koenen	Murphy	Sertich	Westrom

Those who voted in the negative were:

Abeler	DeLaForest	Haws	Latz	Paymar	Simpson
Abrams	Demmer	Heidgerken	Lesch	Peterson, A.	Slawik
Beard	Dempsey	Holberg	Lieder	Peterson, N.	Soderstrom
Blaine	Dill	Hoppe	Loeffler	Poppe	Sykora
Bradley	Dittrich	Howes	Magnus	Powell	Thissen
Brod	Dorman	Johnson, J.	McNamara	Ruth	Urdahl
Buesgens	Eastlund	Kahn	Meslow	Ruud	Wardlow
Charron	Erhardt	Kelliher	Nelson, P.	Samuelson	Westerberg
Cornish	Finstad	Klinzing	Newman	Scalze	Wilkin
Cox	Gazelka	Knoblach	Nornes	Seifert	Zellers
Cybart	Gunther	Kohls	Ozment	Severson	Spk. Sviggum
Dauids	Hamilton	Lanning	Paulsen	Simon	

The motion did not prevail and the amendment was not adopted.

Larson offered an amendment to H. F. No. 3761, the fourth engrossment, as amended.

#### POINT OF ORDER

Paulsen raised a point of order pursuant to rule 3.21 that the Larson amendment was not in order. The Speaker ruled the point of order well taken and the Larson amendment out of order.

The Speaker called Dauids to the Chair.

Peterson, A.; Juhnke; Koenen; Severson; Wardlow and Eken moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 14, after line 19, insert:

"Sec. 5. Minnesota Statutes 2004, section 169.06, subdivision 2, is amended to read:

Subd. 2. **Placement and maintenance on trunk highway.** (a) The commissioner shall place and maintain such traffic-control devices, conforming to the manual and specifications, upon all state trunk highways as the commissioner shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. The commissioner may construct and maintain signs at the entrance of each city, which sign shall have placed thereon the name of the city and the population thereof, and for each eligible city an additional sign or signs as described in paragraph (c). The commissioner may construct and maintain other directional signs upon the trunk highways and such signs shall be uniform. The commissioner may authorize variations from the manual and specifications for the purpose of investigation and research into the use and development of traffic control devices. When such authorized variation pertains to the regulation of traffic, notice of the intended regulatory purpose shall be published in a qualified newspaper of general circulation in the area where the research is being conducted.

(b) No other authority shall place or maintain any traffic control device upon any highway under the jurisdiction of the commissioner except by the latter's permission.

(c) For each city containing a Minnesota National Guard or reserves armory or training and community center, the commissioner must allow placement of a sign stating that the city is the home of the specified military unit that is assigned to that armory or training and community center, including in military parlance the type of military unit. The sign must be furnished by a person or entity other than the Department of Transportation, and must be approved by the commissioner in consultation with the adjutant general of the national guard. The commissioner is authorized to accept and expend money from nonstate sources for the purpose of providing, installing, and maintaining the signs authorized by this paragraph.

**EFFECTIVE DATE.** This section is effective July 1, 2006."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Peterson, A., et al amendment and the roll was called. There were 124 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bradley	Emmer	Larson	Thissen
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The motion prevailed and the amendment was adopted.

Buesgens, Heidgerken, Zellers and Krinkie moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 7, line 17, strike "two sections" and insert "a section"

Page 7, line 20, strike "described in section 13"

Page 7, strike lines 24 to 27

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens et al amendment and the roll was called. There were 36 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Entenza	Hornstein	Krinkie	Paymar
Bernardy	DeLaForest	Erickson	Johnson, S.	Larson	Peppin
Buesgens	Eastlund	Greiling	Klinzing	Liebling	Powell
Carlson	Eken	Hackbarth	Knoblach	Lieder	Vandev eer
Charron	Ellison	Hausman	Koenen	Murphy	Wagenius
Davids	Emmer	Heidgerken	Kohls	Olson	Zellers

Those who voted in the negative were:

Abeler	Dorn	Hosch	Mahoney	Peterson, N.	Smith
Abrams	Erhardt	Howes	Marquart	Peterson, S.	Soderstrom
Atkins	Finstad	Huntley	McNamara	Poppe	Sykora
Beard	Fritz	Jaros	Meslow	Rukavina	Thao
Blaine	Garofalo	Johnson, J.	Moe	Ruth	Thissen
Bradley	Gazelka	Johnson, R.	Mullery	Ruud	Tingelstad
Brod	Goodwin	Juhnke	Nelson, M.	Sailer	Urdahl
Cornish	Gunther	Kahn	Nelson, P.	Samuelson	Walker
Cox	Hamilton	Kelliher	Newman	Scalze	Wardlow
Cybart	Hansen	Lanning	Nornes	Seifert	Welti
Davnie	Haws	Latz	Otremba	Sertich	Westerberg
Demmer	Hilstrom	Lenczewski	Ozment	Severson	Westrom
Dempsey	Hilty	Lesch	Paulsen	Sieben	Wilkin
Dill	Holberg	Lillie	Pelowski	Simon	Spk. Sviggum
Dittrich	Hoppe	Loeffler	Penas	Simpson	
Dorman	Hortman	Magnus	Peterson, A.	Slawik	

The motion did not prevail and the amendment was not adopted.

## CALL OF THE HOUSE

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

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

Seifert 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.

Erhardt moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 3, delete subdivision 5

Page 4, line 8, delete "41,000" and insert "27,000"

Page 7, after line 13, insert:

"Sec. 9. Minnesota Statutes 2004, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. **Deposit of revenues.** (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

(b) ~~From July 1, 2002, to June 30, 2003, 32 percent of the money collected and received must be deposited in the highway user tax distribution fund, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.25 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.~~



~~(c) From July 1, 2003, to June 30, 2007, 30 percent of the money collected and received must be deposited in the highway user tax distribution fund, 21.5 percent must be deposited in the metropolitan area transit fund account under section 16A.88, 1.43 percent must be deposited in the greater Minnesota transit fund account under section 16A.88, 0.65 percent must be deposited in the county state-aid highway fund, and 0.17 percent must be deposited in the municipal state-aid street fund. The remaining money must be deposited in the general fund.~~

~~(d) On and after (c) From July 1, 2007, 32 to June 30, 2008, 38.25 percent of the money collected and received must be deposited in the highway user tax distribution fund, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.25 25.5 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.~~

(d) From July 1, 2008, to June 30, 2009, 44.25 percent must be deposited in the highway user tax distribution fund, and 29.5 percent must be deposited in the transit fund. The remaining money must be deposited in the general fund.

(e) From July 1, 2009, to June 30, 2010, 50.25 percent must be deposited in the highway user tax distribution fund, and 33.5 percent must be deposited in the transit fund. The remaining money must be deposited in the general fund.

(f) From July 1, 2010, to June 30, 2011, 56.25 percent must be deposited in the highway user tax distribution fund, and 37.5 percent must be deposited in the transit fund. The remaining money must be deposited in the general fund.

(g) On and after July 1, 2011, 60 percent must be deposited in the highway user tax distribution fund, and 40 percent must be deposited in the transit fund.

**EFFECTIVE DATE.** This section is effective upon adoption of the constitutional amendment proposed in Laws 2005, chapter 88, article 3, section 9, as amended by this act, by the people at the 2006 general election."

Page 8, delete article 2

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Erhardt amendment and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Atkins	Dorman	Fritz	Hilty	Juhnke	Lenczewski
Bernardy	Dorn	Goodwin	Hornstein	Kahn	Lesch
Carlson	Eken	Greiling	Huntley	Kelliher	Liebling
Cox	Ellison	Hansen	Jaros	Koenen	Lieder
Davnie	Entenza	Hausman	Johnson, R.	Krinkie	Lillie
Dill	Erhardt	Hilstrom	Johnson, S.	Larson	Loeffler

Mahoney	Nelson, M.	Peterson, A.	Sailer	Slawik	Wagenius
Marquart	Otremba	Peterson, S.	Scalze	Solberg	Walker
Mullery	Paymar	Poppe	Sertich	Thao	Walti
Murphy	Pelowski	Rukavina	Sieben	Thissen	

Those who voted in the negative were:

Abeler	Dean	Hackbarth	Kohls	Paulsen	Smith
Abrams	DeLaForest	Hamilton	Lanning	Penas	Soderstrom
Anderson, B.	Demmer	Haws	Latz	Peppin	Sykora
Beard	Dempsey	Heidgerken	Magnus	Peterson, N.	Tingelstad
Blaine	Dittrich	Holberg	McNamara	Powell	Urdahl
Bradley	Eastlund	Hoppe	Meslow	Ruth	Vandevveer
Brod	Emmer	Hortman	Moe	Ruud	Wardlow
Buesgens	Erickson	Hosch	Nelson, P.	Samuelson	Westerberg
Charron	Finstad	Howes	Newman	Seifert	Westrom
Cornish	Garofalo	Johnson, J.	Nornes	Severson	Wilkin
Cybart	Gazelka	Klinzing	Olson	Simon	Zellers
Dauids	Gunther	Knoblach	Ozment	Simpson	Spk. Sviggum

The motion did not prevail and the amendment was not adopted.

#### CALL OF THE HOUSE LIFTED

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

Abrams moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 21, after line 9, insert:

"Sec. 12. Minnesota Statutes 2005 Supplement, section 469.322, is amended to read:

#### **469.322 DESIGNATION OF INTERNATIONAL ECONOMIC DEVELOPMENT ZONE.**

(a) An area designated as a foreign trade zone may be designated by the foreign trade zone authority as an international economic development zone if within the zone a regional distribution center is being developed pursuant to section 469.323. The zone must consist of contiguous area of not less than 500 acres and not more than 1,000 acres. The designation authority under this section is limited to one zone.

(b) In making the designation, the foreign trade zone authority, in consultation with the Minnesota Department of Transportation and the Metropolitan Council, shall consider access to major transportation routes, consistency with current state transportation and air cargo planning, adequacy of the size of the site, access to airport facilities, present and future capacity at the designated airport, the capability to meet integrated present and future air cargo, security, and inspection services, and access to other infrastructure and financial incentives. The border of the international economic development zone must be no more than 60 miles distant or 90 minutes drive time from the border of the Minneapolis-St. Paul International Airport.

(c) Before final designation of the zone, the foreign trade zone authority, in consultation with the applicant, must conduct a transportation impact study based on the regional model and utilizing traffic forecasting and assignments. The results must be used to evaluate the effects of the proposed use on the transportation system and identify any

needed improvements. If the site is in the metropolitan area, the study must also evaluate the effect of the transportation impacts on the metropolitan transportation system plan as well as the comprehensive plans of the municipalities that would be affected. The authority shall provide copies of the study to the legislature under section 3.195 and to the chairs of the committees with jurisdiction over transportation and economic development. The applicant must pay the cost of the study.

(e) (d) Final zone designation must be made by June 30, ~~2006~~ 2008.

(d) (e) Duration of the zone is a 12-year period beginning on January 1, ~~2007~~ 2010.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 13. Minnesota Statutes 2005 Supplement, section 469.323, subdivision 2, is amended to read:

Subd. 2. **Business plan.** Before designation of an international economic development zone under section 469.322, the governing body of the foreign trade zone authority shall prepare a business plan. The authority shall file the business plan with the legislature under section 3.195 and provide copies to the chairs of committees with jurisdiction over transportation and economic development. The plan must include an analysis of the economic feasibility of the regional distribution center once it becomes operational and of the operations of freight forwarders and other businesses that choose to locate within the boundaries of the zone. The analysis must provide profitability models that:

(1) include the benefits of the incentives;

(2) estimate the amount of time needed to achieve profitability; and

(3) analyze the length of time incentives will be necessary to the economic viability of the regional distribution center.

If the governing body of the foreign trade authority determines that the models do not establish the economic feasibility of the project, the regional distribution center does not meet the development requirements of this section and section 469.322.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Nelson, P.; Erickson and Powell moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 20, after line 4, insert:

"Sec. 9. Minnesota Statutes 2005 Supplement, section 171.055, subdivision 2, is amended to read:

Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a motor vehicle only when every occupant under the age of ~~48~~ 15 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. ~~A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. A passenger who is at least 15 years of age is subject to the requirements and penalty of section 169.686.~~ The commissioner shall not record a violation of this paragraph on a person's driving record.

(b) A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger.

(c) During the first year after receiving the license, a provisional license holder who is under the age of 18 may not operate a motor vehicle:

(1) with more than one passenger under age 21, except for immediate family members; or

(2) between the hours of midnight and 5:00 a.m. unless accompanied by the holder's parent or guardian.

(d) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation as defined in section 171.04, or (3) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Nelson, P., et al amendment and the roll was called. There were 22 yeas and 110 nays as follows:

Those who voted in the affirmative were:

Abeler	Ellison	Hornstein	Larson	Ozment	Thissen
Cox	Erhardt	Hortman	Lenczewski	Peterson, S.	Wagenius
Davnie	Erickson	Kahn	Liebling	Powell	
Dittrich	Hausman	Knoblauch	Nelson, P.	Ruud	

Those who voted in the negative were:

Abrams	Beard	Bradley	Carlson	Cybart	DeLaForest
Anderson, B.	Bernardy	Brod	Charron	Dauids	Demmer
Atkins	Blaine	Buesgens	Cornish	Dean	Dempsey

Dill	Hansen	Klinzing	Moe	Rukavina	Thao
Dorman	Haws	Koenen	Mullery	Ruth	Tingelstad
Dorn	Heidgerken	Kohls	Murphy	Sailer	Urdahl
Eastlund	Hilstrom	Krinkie	Nelson, M.	Samuelson	Vandever
Eken	Hilty	Lanning	Newman	Scalze	Walker
Emmer	Holberg	Latz	Nornes	Seifert	Wardlow
Entenza	Hoppe	Lesch	Olson	Sertich	Walti
Finstad	Hosch	Lieder	Otremba	Severson	Westerberg
Fritz	Howes	Lillie	Paulsen	Sieben	Westrom
Garofalo	Huntley	Loeffler	Paymar	Simon	Wilkin
Gazelka	Jaros	Magnus	Pelowski	Simpson	Zellers
Goodwin	Johnson, J.	Mahoney	Penas	Slawik	Spk. Sviggum
Greiling	Johnson, R.	Mariani	Peppin	Smith	
Gunther	Johnson, S.	Marquart	Peterson, A.	Soderstrom	
Hackbarth	Juhnke	McNamara	Peterson, N.	Solberg	
Hamilton	Kelliher	Meslow	Poppe	Sykora	

The motion did not prevail and the amendment was not adopted.

The Speaker called Emmer to the Chair.

Simon, Erhardt and Newman moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 20, after line 4, insert:

"Sec. 9. **[174.56] REPORT ON MAJOR HIGHWAY PROJECTS.**

Subdivision 1. **Report required.** The commissioner of transportation shall submit a report on January 15, 2007, and on January 15 of each year thereafter, on the status of major highway projects under construction or planned during the year of the report and for the ensuing 15 years. For purposes of this section, a "major highway project" is a highway project that has a total cost for all segments that the commissioner estimates at the time of the report to be at least \$10,000,000, and at least \$50,000,000 in the metropolitan transportation district.

Subd. 2. **Report contents.** For each major highway project the report must include:

(1) a description of the project sufficient to specify its scope and location;

(2) a history of the project, including, but not limited to, previous official actions by the department and/or the appropriate area transportation partnership, the date on which the project was first included in the State Transportation Improvement Plan, the cost of the project at that time, the dates of environmental approval, the dates of municipal approval, the date of final geometric layout, and the date of establishment of any construction limits;

(3) the project's priority listing or rank within its construction district, if any, as well as the reasons for that listing or rank, the criteria used in prioritization or rank, any changes in that prioritization or rank since the project was first included in a department work plan, and the reasons for those changes; and

(4) past and potential future reasons for delay in letting or completion of the project."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Goodwin; Rukavina; Ellison; Hornstein; Nelson, M.; Eken; Paymar; Simon; Johnson, S.; Scalze; Lieder; Moe; Greiling and Hausman moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 22, after line 13, insert:

**"Sec. 15. REPORT ON COMPARISON OF COSTS OF PUBLIC AND PRIVATE WORK ON TRUNK HIGHWAY CONSTRUCTION.**

The commissioner of transportation shall submit, no later than September 1, an annual written report to the legislature, in compliance with Minnesota Statutes, sections 3.195 and 3.197, and shall submit the report to the chairs of the senate and house of representatives committees having jurisdiction over transportation. The report must identify:

(1) standard line item bid categories in trunk highway construction contracts, including culvert installation or replacement; roadway resurfacing; lane-mile cost of road construction; crack fill and seal; consultant fees; sign replacement; drainage repair; guardrail and fence replacement and repair; and striping;

(2) costs incurred in the previous fiscal year attributed to work performed by state employees in each identified category; and

(3) costs attributable in the previous fiscal year to work performed by private contractors in each identified category."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Goodwin et al amendment and the roll was called. There were 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Atkins	Goodwin	Jaros	Lillie	Peterson, A.	Solberg
Bernardy	Greiling	Johnson, R.	Loeffler	Peterson, S.	Thao
Carlson	Hansen	Johnson, S.	Mahoney	Poppe	Thissen
Davids	Hausman	Juhnke	Mariani	Rukavina	Vandevier
Davnie	Haws	Kahn	Marquart	Ruud	Wagenius
Dempsey	Heidgerken	Kelliher	McNamara	Sailer	Walker
Dill	Hilstrom	Koenen	Moe	Samuelson	Welti
Dittrich	Hilty	Larson	Mullery	Scalze	Spk. Sviggum
Dorn	Hornstein	Latz	Murphy	Sertich	
Eken	Hortman	Lenczewski	Nelson, M.	Sieben	
Ellison	Hosch	Lesch	Otremba	Simon	
Entenza	Howes	Liebling	Paymar	Slawik	
Fritz	Huntley	Lieder	Pelowski	Smith	

Those who voted in the negative were:

Abeler	Beard	Brod	Cornish	Dean	Dorman
Abrams	Blaine	Buesgens	Cox	DeLaForest	Eastlund
Anderson, B.	Bradley	Charron	Cybart	Demmer	Emmer

Erhardt	Hamilton	Krinkie	Olson	Ruth	Urdahl
Erickson	Holberg	Lanning	Ozment	Seifert	Wardlow
Finstad	Hoppe	Magnus	Paulsen	Severson	Westerberg
Garofalo	Johnson, J.	Meslow	Penas	Simpson	Westrom
Gazelka	Klinzing	Nelson, P.	Peppin	Soderstrom	Wilkin
Gunther	Knoblach	Newman	Peterson, N.	Sykora	Zellers
Hackbarth	Kohls	Nornes	Powell	Tingelstad	

The motion prevailed and the amendment was adopted.

Vandever moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 12, after line 5, insert:

"Section 1. **[160.94] TOLL FACILITIES PROHIBITED.**

Neither the commissioner nor a road authority may impose or authorize the imposition of a toll for the use of a bridge, highway, or highway lane, except for:

(1) a bridge connecting a highway with an adjacent state or province; or

(2) any highway or highway lane having a toll imposed on or before July 1, 2006, under section 160.93."

Page 22, after line 13, insert:

"Sec. 16. **REPEALER.**

Minnesota Statutes 2004, sections 160.84; 160.85; 160.86; 160.87; 160.88; 160.89; 160.90; 160.91; and 160.92, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Vandever amendment and the roll was called. There were 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dorman	Greiling	Hosch	Krinkie	Marquart
Atkins	Dorn	Gunther	Huntley	Larson	Moe
Bernardy	Eken	Hackbarth	Jaros	Lenczewski	Mullery
Carlson	Ellison	Hansen	Johnson, R.	Lesch	Murphy
Charron	Emmer	Hilstrom	Johnson, S.	Liebling	Nelson, M.
Cornish	Entenza	Hilty	Juhnke	Lillie	Nornes
Davnie	Fritz	Holberg	Kahn	Loeffler	Olson
Dean	Garofalo	Hornstein	Kelliher	Mahoney	Otremba
Dill	Goodwin	Hortman	Koenen	Mariani	Paymar

Pelowski	Samuelson	Soderstrom	Vandevveer	Westrom
Peppin	Seifert	Solberg	Wagenius	Zellers
Rukavina	Sertich	Thao	Walker	Spk. Sviggum
Sailer	Sieben	Tingelstad	Welti	

Those who voted in the negative were:

Abeler	DeLaForest	Hausman	Latz	Peterson, A.	Simpson
Abrams	Demmer	Haws	Lieder	Peterson, N.	Slawik
Beard	Dempsey	Heidgerken	Magnus	Peterson, S.	Smith
Blaine	Dittrich	Hoppe	McNamara	Poppe	Sykora
Bradley	Eastlund	Howes	Meslow	Powell	Thissen
Brod	Erhardt	Johnson, J.	Nelson, P.	Ruth	Urdahl
Buesgens	Erickson	Klinzing	Newman	Ruud	Wardlow
Cox	Finstad	Knoblach	Ozment	Scalze	Westerberg
Cybart	Gazelka	Kohls	Paulsen	Severson	Wilkin
Davids	Hamilton	Lanning	Penas	Simon	

The motion prevailed and the amendment was adopted.

Krinkie, Dean and Olson moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 7, line 25, strike "60" and insert "80"

Page 7, line 26, strike "40" and insert "20"

A roll call was requested and properly seconded.

The question was taken on the Krinkie et al amendment and the roll was called. There were 43 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Gazelka	Klinzing	Peppin	Westrom
Blaine	Dill	Gunther	Knoblach	Powell	Wilkin
Brod	Dorman	Hackbarth	Koenen	Rukavina	Zellers
Buesgens	Eastlund	Hamilton	Kohls	Ruth	
Charron	Emmer	Heidgerken	Krinkie	Seifert	
Cybart	Erickson	Hoppe	Magnus	Severson	
Davids	Finstad	Hosch	Newman	Soderstrom	
Dean	Garofalo	Howes	Olson	Vandevveer	

Those who voted in the negative were:

Abeler	Carlson	Dittrich	Fritz	Hilstrom	Jaros
Abrams	Cornish	Dorn	Goodwin	Hilty	Johnson, J.
Atkins	Cox	Eken	Greiling	Holberg	Johnson, R.
Beard	Davnie	Ellison	Hansen	Hornstein	Johnson, S.
Bernardy	Demmer	Entenza	Hausman	Hortman	Juhnke
Bradley	Dempsey	Erhardt	Haws	Huntley	Kahn



Kelliher	Loeffler	Nelson, M.	Peterson, A.	Sieben	Tingelstad
Lanning	Mahoney	Nelson, P.	Peterson, N.	Simon	Urdahl
Larson	Mariani	Nornes	Peterson, S.	Simpson	Wagenius
Latz	Marquart	Otremba	Poppe	Slawik	Walker
Lenczewski	McNamara	Ozment	Ruud	Smith	Wardlow
Lesch	Meslow	Paulsen	Sailer	Solberg	Welti
Liebling	Moe	Paymar	Samuelson	Sykora	Westerberg
Lieder	Mullery	Pelowski	Scalze	Thao	Spk. Sviggum
Lillie	Murphy	Penas	Sertich	Thissen	

The motion did not prevail and the amendment was not adopted.

Johnson, J., was excused for the remainder of today's session.

The Speaker resumed the Chair.

Rukavina and Erhardt moved to amend H. F. No. 3761, the fourth engrossment, as amended, as follows:

Page 13, after line 9, insert:

"Sec. 2. Minnesota Statutes 2004, section 161.315, is amended by adding a subdivision to read:

Subd. 7. **Minnesota based companies.** (a) The commissioner shall award a public contract made for construction, reconstruction, or maintenance of a road to a Minnesota based company when: (1) the public contract is at least \$150,000,000; and (2) the total contractual obligation of the state for the entire project is at least \$200,000,000.

(b) For purposes of this subdivision, "Minnesota based company" means a business, corporation, association, partnership, sole proprietorship, or other entity formed to do business as a contractor, subcontractor, or material supplier, whose principal place from which the trade or business is directed or managed is in Minnesota.

(c) Nothing in this subdivision restricts an award for a public contract when the conditions under paragraph (a) are not met."

A roll call was requested and properly seconded.

The question was taken on the Rukavina and Erhardt amendment and the roll was called. There were 68 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Atkins	Ellison	Hausman	Howes	Koenen	Loeffler
Bernardy	Entenza	Haws	Huntley	Larson	Mahoney
Carlson	Erhardt	Heidgerken	Jaros	Latz	Mariani
Davnie	Finstad	Hilstrom	Johnson, R.	Lenczewski	Marquart
Dill	Fritz	Hilty	Johnson, S.	Lesch	Moe
Dittrich	Goodwin	Hornstein	Juhnke	Liebling	Mullery
Dorn	Greiling	Hortman	Kahn	Lieder	Murphy
Eken	Hansen	Hosch	Kelliher	Lillie	Nelson, M.

Otremba	Peterson, S.	Sailer	Simon	Thao
Paymar	Poppe	Scalze	Slawik	Wagenius
Pelowski	Rukavina	Sertich	Smith	Walker
Peterson, A.	Ruud	Sieben	Solberg	Welti

Those who voted in the negative were:

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

The motion prevailed and the amendment was adopted.

H. F. No. 3761, A bill for an act relating to transportation; authorizing sale of trunk highway bonds for capital improvements related to transportation; establishing transit fund and accounts; providing for treatment and allocation of tax proceeds related to motor vehicles; modifying proposed amendment to Minnesota Constitution and its proposed ballot question; setting certain court deadlines and procedures; modifying provisions relating to the town bridge account, town road construction and maintenance, old automobile liens, public highway contracts, allowable vehicle weights on highways, tow truck operators, impounded vehicles, highway signs, motorized golf carts, area transportation partnerships, the rail service improvement account, the tax attributable to fuel used by all-terrain vehicles, and a connector highway agreement; repealing authority for future toll facilities; requiring studies and reports; appropriating money; amending Minnesota Statutes 2004, sections 16A.88; 161.082, subdivision 2a; 161.315, by adding a subdivision; 168B.06, subdivision 1; 168B.07, by adding a subdivision; 169.06, subdivision 2; 169.823, subdivision 1; 169.824, subdivision 1; 169.829, subdivision 2; 169.86, by adding a subdivision; 169.87, subdivision 2; 222.50, subdivisions 6, 7; 296A.18, subdivision 4; 297A.94; 297B.09, subdivision 1; 471.345, by adding a subdivision; Minnesota Statutes 2005 Supplement, sections 168A.20, subdivision 5; 169.01, subdivision 78; 169.81, subdivision 3c; 169.824, subdivision 2; 297A.815, by adding a subdivision; 469.322; 469.323, subdivision 2; Laws 2005, chapter 88, article 3, sections 9; 10; proposing coding for new law in Minnesota Statutes, chapters 160; 167; 174; repealing Minnesota Statutes 2004, sections 160.84; 160.85; 160.86; 160.87; 160.88; 160.89; 160.90; 160.91; 160.92.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 100 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeler	Blaine	Cornish	Demmer	Eastlund	Garofalo
Abrams	Bradley	Cox	Dempsey	Eken	Gazelka
Anderson, B.	Brod	Cybart	Dill	Emmer	Goodwin
Atkins	Buesgens	Dauids	Dittrich	Erickson	Gunther
Beard	Carlson	Dean	Dorman	Finstad	Hackbarth
Bernardy	Charron	DeLaForest	Dorn	Fritz	Hamilton

Hansen	Knoblach	Meslow	Penas	Scalze	Urdahl
Haws	Koenen	Moe	Peppin	Seifert	Vandever
Heidgerken	Kohls	Murphy	Peterson, A.	Severson	Wardlow
Holberg	Lanning	Nelson, P.	Peterson, N.	Simon	Welti
Hoppe	Latz	Newman	Peterson, S.	Simpson	Westerberg
Hortman	Lieder	Nornes	Poppe	Slawik	Westrom
Hosch	Lillie	Olson	Powell	Smith	Wilkin
Howes	Magnus	Otremba	Ruth	Soderstrom	Zellers
Johnson, R.	Mariani	Ozment	Ruud	Solberg	Spk. Sviggum
Juhnke	Marquart	Paulsen	Sailer	Sykora	
Klinzing	McNamara	Pelowski	Samuelson	Tingelstad	

Those who voted in the negative were:

Davnie	Hilstrom	Kahn	Liebling	Rukavina	Walker
Ellison	Hilty	Kelliher	Loeffler	Sertich	
Entenza	Hornstein	Krinkie	Mahoney	Sieben	
Erhardt	Huntley	Larson	Mullery	Thao	
Greiling	Jaros	Lenczewski	Nelson, M.	Thissen	
Hausman	Johnson, S.	Lesch	Paymar	Wagenius	

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

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3185:

Mahoney, Simpson and Wilkin.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3779:

Urdahl, Emmer and Rukavina.

There being no objection, the order of business reverted to Reports of Standing Committees.

#### REPORTS OF STANDING COMMITTEES

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 3058, A bill for an act relating to state government; clarifying the Iron Range Resources and Rehabilitation Board's funds expenditure approval process; authorizing the lease of certain lands; requiring a long-range plan by the board and commissioner; appropriating money; amending Minnesota Statutes 2004, sections 298.22, subdivisions 1, 8, by adding a subdivision; 298.2213, subdivision 4; 298.223, subdivisions 2, 3; Minnesota Statutes 2005 Supplement, sections 298.296, subdivision 1; 298.298.

Reported the same back with the following amendments:

Page 5, line 11, delete "\$49,000,000" and insert "\$12,500,000"

Page 5, line 14, delete "the day following final enactment" and insert "July 1, 2007"

With the recommendation that when so amended the bill pass.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 1298, A bill for an act relating to environment; enacting the Minnesota Electronics Recycling Act of 2005; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 116H.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 3058 was read for the second time.

## 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. 3383, A bill for an act relating to the city of Grand Rapids; authorizing issuance of certain capital improvement bonds.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 762, A bill for an act relating to the environment; creating the Clean Water Legacy Act; providing authority, direction, and funding to achieve and maintain water quality standards for Minnesota's surface waters in accordance with section 303(d) of the federal Clean Water Act; appropriating money; amending Laws 2005, chapter 20, article 1, section 39; proposing coding for new law in Minnesota Statutes, chapter 446A; proposing coding for new law as Minnesota Statutes, chapter 114D.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Frederickson, Hottinger and Skoe.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ozment moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 762. The motion prevailed.

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. 2892, A bill for an act relating to higher education; authorizing the Minnesota State Colleges and Universities Board of Trustees to construct an academic building in Mankato.

PATRICK E. FLAHAVEN, Secretary of the Senate

Dorn moved that the House refuse to concur in the Senate amendments to H. F. No. 2892, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

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. 3302, A bill for an act relating to local government; modifying municipal and county planning and zoning provisions; providing standards for preliminary plat approval in a proposed development; amending Minnesota Statutes 2004, sections 394.25, subdivision 7; 462.358, subdivision 3b.

PATRICK E. FLAHAVEN, Secretary of the Senate

Brod moved that the House refuse to concur in the Senate amendments to H. F. No. 3302, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3053, 3121 and 2833.

PATRICE DWORAK, First Assistant Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 3053, A bill for an act relating to natural resources; providing for issuance of all-terrain vehicle safety certificate; requiring rulemaking to allow all-terrain vehicle or snowmobile use on privately owned land during legal shooting hours of a deer season; amending Minnesota Statutes 2005 Supplement, section 84.9256, subdivision 1.

The bill was read for the first time.

Hackbarth moved that S. F. No. 3053 and H. F. No. 3353, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3121, A bill for an act relating to financial institutions; regulating electronic financial terminals, and the expenses of organizing and incorporating banks; authorizing the investment of health savings accounts in transaction accounts; regulating the sale of forfeited vehicles by financial institutions as secured parties; amending Minnesota Statutes 2004, sections 47.62, subdivision 1; 169A.63, subdivision 11; Minnesota Statutes 2005 Supplement, sections 47.75, subdivision 1; 48.15, subdivision 4; repealing Minnesota Statutes 2004, sections 46.043; 47.62, subdivision 5.

The bill was read for the first time.

Hamilton moved that S. F. No. 3121 and H. F. No. 3688, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2833, A bill for an act relating to human services; changing certain in-service training requirements; requiring early childhood development training; changing certain first aid training requirements; allowing the use of mesh sided playpens or cribs under certain circumstances; establishing the Ramsey County child care pilot project; providing an exception for notification of a variance or set-aside; amending Minnesota Statutes 2004, sections 245A.023; 245A.14, by adding a subdivision; Minnesota Statutes 2005 Supplement, sections 245A.14, subdivision 12; 245A.146, subdivision 3; 245C.22, subdivision 7; 245C.24, subdivision 2; 245C.301.

The bill was read for the first time.

Abeler moved that S. F. No. 2833 and H. F. No. 2807, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

### **CALENDAR FOR THE DAY**

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

**ANNOUNCEMENTS BY THE SPEAKER**

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2892:

Dorn, Nornes and Pelowski.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3302:

Brod, Hornstein and Charron.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 762:

Ozment, Penas and Juhnke.

**MOTIONS AND RESOLUTIONS**

Dittrich moved that her name be stricken as an author on H. F. No. 1298. The motion prevailed.

Nelson, P., moved that the name of Ruud be added as an author on H. F. No. 3050. The motion prevailed.

Abrams moved that the names of McNamara and Juhnke be added as authors on H. F. No. 3423. The motion prevailed.

Heidgerken moved that the name of Loeffler be added as an author on H. F. No. 3458. The motion prevailed.

Hornstein moved that the names of Dittrich and Larson be added as authors on H. F. No. 3718. The motion prevailed.

Seifert moved that the name of Nelson, P., be added as an author on H. F. No. 4094. The motion prevailed.

Vandever moved that the name of Nelson, P., be added as an author on H. F. No. 4119. The motion prevailed.

Krinkie moved that the name of Nelson, P., be added as an author on H. F. No. 4142. The motion prevailed.

Vandever moved that the name of Nelson, P., be added as an author on H. F. No. 4155. The motion prevailed.

Kohls moved that the name of Nelson, P., be added as an author on H. F. No. 4186. The motion prevailed.

**ADJOURNMENT**

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, May 17, 2006. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, May 17, 2006.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

