

STATE OF MINNESOTA

SPECIAL SESSION — 2005

 ELEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JUNE 16, 2005

The House of Representatives convened at 11:00 a.m. and was called to order by Ron Abrams, Speaker pro tempore.

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

A quorum was present.

Anderson, B.; Blaine; Dorman; Finstad; Greiling; Hoppe; Mariani; Opatz; Peterson, N.; Ruth; Smith and Thao were excused.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Knoblach introduced:

H. F. No. 76, A bill for an act relating to education; authorizing an education tax credit for tuition expenses for certain school attendance; eliminating the family cap on the education tax credit; amending Minnesota Statutes 2004, section 290.0674, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Hackbarth introduced:

H. F. No. 77, A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, article XI, by adding a section; dedicating the sales tax receipts equal to a percentage of the sales tax on taxable sales for game and fish purposes; creating a heritage enhancement fund; establishing a Heritage Enhancement Council; providing for appointments; amending Minnesota Statutes 2004, section 297A.94; proposing coding for new law in Minnesota Statutes, chapter 97A.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Tingelstad introduced:

H. F. No. 78, A bill for an act relating to natural resources; establishing a Minnesota future resources fund; imposing a cigarette fee to fund natural resources acceleration; amending Minnesota Statutes 2004, section 325D.32, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 116P.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Erhardt introduced:

H. F. No. 79, A bill for an act relating to transportation; adjusting distribution formula for county state-aid highway fund; expanding authority to levy county wheelage tax; changing depreciation schedule and maximum and minimum registration taxes for passenger automobiles; increasing motor fuel taxes; allocating revenue from general sales tax and motor vehicle sales tax; authorizing issuance of \$1,000,000,000 in state trunk highway bonds; modifying previously proposed amendment to the Minnesota Constitution by adding sections to article XIV to dedicate motor vehicle sales tax revenues; appropriating money; amending Minnesota Statutes 2004, sections 162.07, subdivision 1, by adding subdivisions; 163.051; 168.013, subdivision 1a; 296A.07, subdivision 3; 296A.08, subdivision 2; 297A.94; 297B.09, subdivision 1; Laws 2005, chapter 88, article 3, section 9.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Kahn introduced:

H. F. No. 80, A bill for an act relating to state government; providing a process for community ownership of the Minnesota Twins; proposing coding for new law as Minnesota Statutes, chapter 4B.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Dean, Thao, Bradley, Slawik, Wilkin, Cybart and Johnson, J., introduced:

H. F. No. 81, A bill for an act relating to human services; making changes to licensing provisions and background studies; changing provisions for state-operated services in access to data, records retention, sharing information, and assisting patients required to register as a predatory offender in completing registration forms; adding a notification provision for certain patients released on pass; adding a provision to abuse prevention plans; making changes to family child care and child care center provisions; amending Minnesota Statutes 2004, sections 13.46, subdivision 4; 243.166, subdivision 7; 245A.02, subdivision 17; 245A.03, subdivisions 2, 3; 245A.035, subdivision 5; 245A.04, subdivisions 7, 13; 245A.06, by adding a subdivision; 245A.07, subdivisions 1, 3, by adding a subdivision; 245A.08, subdivisions 2a, 5; 245A.14, by adding subdivisions; 245A.144; 245A.16, subdivisions 1, 4; 245A.18; 245B.02, subdivision 10; 245B.055, subdivision 7; 245B.07, subdivision 8; 245C.03, subdivision 1; 245C.07; 245C.08, subdivisions 1, 2; 245C.15, subdivisions 1, 2, 3, 4; 245C.17, subdivision 2; 245C.21, subdivision 2; 245C.22, subdivisions 3, 4; 245C.24, subdivisions 2, 3; 245C.27, subdivision 1; 245C.28, subdivision 3; 245C.30, subdivision 2; 246.13; 253B.18, subdivision 4a; 260B.163, subdivision 6; 260C.163, subdivision 5; 299C.093; 518.165, by adding subdivisions; 609A.03, subdivision 7; 626.556, subdivision 10i; 626.557, subdivisions 9d, 14; proposing coding for new law in Minnesota Statutes, chapter 245C; repealing Minnesota Statutes 2004, section 246.017, subdivision 1.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Poppe introduced:

H. F. No. 82, A bill for an act relating to child care licensing; providing licensure as an employer care cooperative program; amending Minnesota Statutes 2004, section 245A.14, subdivision 4.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Hansen; Hornstein; Wagenius; Atkins; Kelliher; Thissen; Larson; Peterson, A., and Sieben introduced:

H. F. No. 83, A bill for an act relating to state government; authorizing the legislative auditor to retain certain audit fees; amending Minnesota Statutes 2004, sections 3.9741, subdivision 1; 37.06.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Davnie, Marquart and Greiling introduced:

H. F. No. 84, A bill for an act relating to education; establishing expectations and rewarding educational excellence; appropriating money.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Larson, Hornstein, Lenczewski, Thissen, Beard, Wardlow, Hansen, Paymar and Krinkie introduced:

H. F. No. 85, A bill for an act relating to metropolitan government; requiring that meetings conducted by the Metropolitan Airports Commission not be held within an airport security screening perimeter; amending Minnesota Statutes 2004, section 473.604, subdivision 5.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Urdahl, Davids and Hackbarth introduced:

H. F. No. 86, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to auction the naming rights for certain trout streams.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Ozment introduced:

H. F. No. 87, A bill for an act relating to state park and recreation area operations; appropriating money.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

MOTIONS AND RESOLUTIONS

Slawik moved that the names of Hansen and Johnson, S., be added as authors on H. F. No. 34. The motion prevailed.

Hansen moved that the name of Poppe be added as an author on H. F. No. 40. The motion prevailed.

Slawik moved that the names of Hansen and Johnson, S., be added as authors on H. F. No. 61. The motion prevailed.

Mahoney moved that the name of Fritz be added as an author on H. F. No. 66. The motion prevailed.

Krinkie moved that the name of Wardlow be added as an author on H. F. No. 67. The motion prevailed.

MOTION TO FIX TIME TO CONVENE

Paulsen moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, June 20, 2005. The motion prevailed.

MOTION TO SUSPEND RULES

Olson moved that the rules be so far suspended that House Concurrent Resolution No. 5 be recalled from the Committee on Rules and Legislative Administration and be placed upon its adoption.

A roll call was requested and properly seconded.

The question was taken on the Olson motion and the roll was called. There were 52 yeas and 70 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|----------|------------|-------------|----------|--------------|------------|
| Abeler | Ellison | Hosch | Liebling | Pelowski | Slawik |
| Buesgens | Erickson | Jaros | Lillie | Peterson, S. | Soderstrom |
| Clark | Fritz | Johnson, J. | Loeffler | Poppe | Thissen |
| Cox | Goodwin | Johnson, S. | Marquart | Rukavina | Tingelstad |
| Davnie | Hausman | Juhnke | Moe | Ruud | Urdahl |
| Demmer | Heidgerken | Kahn | Murphy | Sailer | Walker |
| Dittrich | Hilty | Koenen | Olson | Scalze | Welti |
| Eastlund | Hornstein | Larson | Otremba | Severson | |
| Eken | Hortman | Lenzewski | Paymar | Simon | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-------------|------------|--------------|--------------|
| Abrams | Dean | Hamilton | Lanning | Nornes | Solberg |
| Anderson, I. | DeLaForest | Hansen | Latz | Ozment | Sykora |
| Atkins | Dempsey | Hilstrom | Lesch | Paulsen | Vanderveer |
| Beard | Dill | Holberg | Lieder | Penas | Wagenius |
| Bernardy | Dorn | Howes | Magnus | Peppin | Wardlow |
| Bradley | Emmer | Huntley | Mahoney | Peterson, A. | Westerberg |
| Brod | Entenza | Johnson, R. | McNamara | Powell | Westrom |
| Carlson | Erhardt | Kelliher | Meslow | Samuelson | Wilkin |
| Charron | Garofalo | Klinzing | Mullery | Seifert | Zellers |
| Cornish | Gazelka | Knoblach | Nelson, M. | Sertich | Spk. Sviggum |
| Cybart | Gunther | Kohls | Nelson, P. | Sieben | |
| Davids | Hackbarth | Krinkie | Newman | Simpson | |

The motion did not prevail.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE ABRAMS

"Points of Privilege" are a long-standing right of House members.

It appears that some members have recently taken advantage and have used this tactic to make statements that definitely are not "Points of Privilege."

It is not within parliamentary bounds to create a debate on a subject not before the body by raising a point of privilege.

Sections 220 and 221 of "Mason's Manual of Legislative Procedure" explain there are two types of questions of privilege as follows:

1. Questions relating to members of the body in their representative capacity. These are called "Points of Personal Privilege" and should relate to charges against an individual member's rights, conduct or character.

2. Questions relating to the entire body. These are called "Points of Privilege of the House" and should relate to charges against the membership of the entire body.

For the remainder of this session I, as Speaker pro tempore, will not permit political or other type speeches to be made under the guise of being a "Point of Privilege."

If you are in doubt as to how I will rule you might want to visit with me before you rise to a "Point of Privilege."

Your cooperation will be appreciated.

MOTIONS AND RESOLUTIONS, Continued

Marquart moved that H. F. No. 69 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Taxes.

A roll call was requested and properly seconded.

The question was taken on the Marquart motion and the roll was called. There were 52 yeas and 70 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|----------|-----------|-------------|------------|--------------|----------|
| Atkins | Entenza | Hosch | Latz | Otremba | Sieben |
| Bernardy | Erhardt | Huntley | Lenczewski | Paymar | Simon |
| Clark | Fritz | Jaros | Liebling | Pelowski | Solberg |
| Davnie | Goodwin | Johnson, R. | Lieder | Peterson, A. | Vandever |
| Dean | Hansen | Johnson, S. | Loeffler | Poppe | Wagenius |
| Dill | Hausman | Kahn | Mahoney | Rukavina | Walker |
| Dittrich | Hilstrom | Kelliher | Marquart | Ruud | Welti |
| Eken | Hornstein | Koelen | Moe | Scalze | |
| Ellison | Hortman | Larson | Olson | Sertich | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-----------|-------------|----------|------------|
| Abeler | Charron | Dorn | Hamilton | Knoblach | Meslow |
| Abrams | Cornish | Eastlund | Heidgerken | Kohls | Mullery |
| Anderson, I. | Cox | Emmer | Hilty | Krinkie | Murphy |
| Beard | Cybart | Erickson | Holberg | Lanning | Nelson, M. |
| Bradley | Dauids | Garofalo | Howes | Lesch | Nelson, P. |
| Brod | DeLaForest | Gazelka | Johnson, J. | Lillie | Newman |
| Buesgens | Demmer | Gunther | Juhnke | Magnus | Nornes |
| Carlson | Dempsey | Hackbarth | Klinzing | McNamara | Ozment |

| | | | | | |
|--------------|-----------|------------|------------|------------|--------------|
| Paulsen | Powell | Severson | Sykora | Wardlow | Zellers |
| Penas | Sailer | Simpson | Thissen | Westerberg | Spk. Sviggum |
| Peppin | Samuelson | Slawik | Tingelstad | Westrom | |
| Peterson, S. | Seifert | Soderstrom | Urdahl | Wilkin | |

The motion did not prevail.

ADJOURNMENT

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 2:00 p.m., Monday, June 20, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

