

STATE OF MINNESOTA

SPECIAL SESSION — 2005

 FIFTEENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JUNE 28, 2005

The House of Representatives convened at 2:00 p.m. and was called to order by Marty Seifert, 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	Dittrich	Hilty	Lenczewski	Paymar	Smith
Anderson, B.	Dorn	Holberg	Lesch	Pelowski	Soderstrom
Anderson, I.	Eastlund	Hoppe	Liebling	Penas	Solberg
Atkins	Eken	Hornstein	Lieder	Peppin	Sykora
Beard	Ellison	Hortman	Lillie	Peterson, A.	Thao
Bernardy	Emmer	Hosch	Loeffler	Peterson, N.	Thissen
Blaine	Entenza	Howes	Magnus	Peterson, S.	Tingelstad
Bradley	Erhardt	Huntley	Mahoney	Poppe	Urdahl
Brod	Erickson	Jaros	Marquart	Powell	Vandevier
Buesgens	Finstad	Johnson, R.	McNamara	Rukavina	Wagenius
Carlson	Fritz	Johnson, S.	Meslow	Ruth	Walker
Charron	Garofalo	Juhnke	Moe	Ruud	Wardlow
Cornish	Gazelka	Kahn	Mullery	Sailer	Welti
Cox	Goodwin	Kelliher	Murphy	Samuelson	Westerberg
Cybart	Greiling	Klinzing	Nelson, M.	Scalze	Westrom
Davids	Gunther	Knoblach	Nelson, P.	Seifert	Wilkin
Davnie	Hackbarth	Koenen	Newman	Sertich	Zellers
Dean	Hamilton	Kohls	Nornes	Severson	Spk. Sviggum
DeLaForest	Hansen	Krinkie	Olson	Sieben	
Demmer	Hausman	Lanning	Otremba	Simon	
Dempsey	Heidgerken	Larson	Ozment	Simpson	
Dill	Hilstrom	Latz	Paulsen	Slawik	

A quorum was present.

Abrams; Johnson, J.; Mariani and Opatz were excused.

Dorman was excused until 2:55 p.m. Clark was excused until 3:05 p.m.

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

MOTION TO FIX TIME TO CONVENE

Paulsen moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, June 29, 2005. The motion prevailed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Mullery introduced:

H. F. No. 104, A bill for an act relating to taxation; corporate franchise; modifying the definition of foreign operating corporations; amending Minnesota Statutes 2004, section 290.01, subdivision 6b.

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

Dean, Simon, Charron, Hortman, Vandevener, Brod and Garofalo introduced:

H. F. No. 105, A bill for an act relating to the legislature; prohibiting payment of compensation to legislators during a period of government shutdown; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Holberg introduced:

H. F. No. 106, A bill for an act relating to appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; providing for general contingent accounts and tort claims; providing for various fees and accounts; allocating county state-aid highway funds; modifying provisions related to state mail, transportation property appraisals and eminent domain, state highways and bridges, county state-aid highways, town road signs, railroad grade crossings and operations, traffic fine allocations, commercial motor vehicles, day activity center buses, vehicle registration plates and other motor vehicle provisions, driver and vehicle data practices; deputy motor vehicle registrars; state aviation, bridges in smaller cities, weight limits on highways and other traffic regulations, drivers' licenses and permits, the Commuter Rail Corridor Coordinating Committee, Roussain Cemetery, wetland replacement near the city of Cologne, the employment status of public safety radio communications operators, the insurance verification sampling program, maximum train speeds in the city of Orr, a restriction on ethanol requirements, and bicycle programs; requiring studies and reports; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 13.44, subdivision 3; 16B.49; 115A.908, subdivision 1; 117.036; 161.14, subdivision 25, by adding subdivisions; 161.361, subdivision 2; 161.368; 161.442; 162.02, subdivisions 2, 3a; 162.06, subdivision 2; 162.08, subdivision 3; 162.09, subdivisions 2, 3a; 162.14, subdivision 6; 168.011, subdivisions 3, 5, 5a, 6, 7, 25, by adding subdivisions; 168.012, subdivision 1, as amended; 168.013, subdivision 8; 168.031; 168.09, subdivision 7; 168.091, subdivision 1; 168.10, subdivision 1c; 168.105, subdivisions 2, 3, 5; 168.12; 168.123; 168.1235; 168.124; 168.125; 168.1255; 168.127, subdivision 6; 168.128; 168.129; 168.1291; 168.1293; 168.1296; 168.1297; 168.15, subdivision 1; 168.16; 168.185; 168.27, subdivision 11; 168.31, subdivision 5; 168.33, as amended; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.20, by adding a subdivision; 168A.29; 168A.31; 169.01, subdivisions 75, 76, 78; 169.06, subdivisions 5, 6; 169.09, subdivision 13; 169.14, subdivision 2, by adding a subdivision; 169.18,

subdivisions 4, 5, 11, as amended; 169.28, subdivision 2; 169.448, by adding a subdivision; 169.522; 169.733; 169.81, subdivision 3c; 169.824, subdivision 2; 169.8261; 169.85, subdivisions 1, 6; 169.851, subdivision 5; 169.86, subdivision 5; 169.87, subdivision 4; 169.99, subdivision 1b; 169A.52, subdivision 3; 169A.60, subdivision 16; 171.01, subdivisions 22, 35, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.05, subdivisions 1, 2, 2b; 171.055, subdivision 2; 171.06, subdivisions 2, 2a; 171.061, subdivision 4; 171.07, subdivision 11; 171.09, as amended; 171.12, subdivisions 3, 6; 171.13, subdivisions 2, 6, by adding a subdivision; 171.165, subdivisions 1, 2, 6; 171.17, subdivision 1; 171.18, subdivision 1; 171.20, subdivision 4, as amended; 171.26, as amended; 171.29, subdivision 2; 171.30, subdivision 1; 171.36; 174.50, by adding a subdivision; 174.86, subdivision 5; 179A.03, subdivision 7, as amended; 179A.10, subdivision 2; 192.502, subdivision 2; 197.65; 219.166; 219.567; 299D.03, subdivision 5; 515B.1-107, as amended; proposing coding for new law in Minnesota Statutes, chapters 160; 162; 168; 169; 171; 219; 299A; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.15, subdivision 2; 168.231; 168.345, subdivisions 3, 4; 168.831; 168.832; 168.833; 168.834; 168.835; 168.836; 168.837; 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; 168C.13; 170.23; 171.12, subdivision 8; 171.165, subdivisions 3, 4, 4a, 4b; 171.185; 473.408, subdivision 1; Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; 7407.1300; 7503.2400; 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; 8855.0500, subpart 1.

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

Olson and Peterson, N., introduced:

H. F. No. 107, A bill for an act relating to financing and operation of government in this state; modifying truth in taxation provisions and adding a taxpayer satisfaction survey; changing income, corporate franchise, withholding, estate, property, sales and use, mortgage registry, health care gross revenues, motor fuels, gambling, cigarette and tobacco products, occupation, net proceeds, production, liquor, insurance, and other taxes and tax-related provisions; making technical, clarifying, collection, enforcement, refund, and administrative changes to certain taxes and tax-related provisions, tax-forfeited lands, revenue recapture, unfair cigarette sales, state debt collection, sustainable forest incentive programs, and payments in lieu of taxes; changing local government aids and credits; providing for determination of population for certain purposes; updating references to the Internal Revenue Code, changing property tax exemptions, homesteads, assessment, valuation, classification, class rates, levies, deferral, review and equalization, appeals, notices and statements, and distribution provisions; changing rent constituting property taxes and property tax refunds; requiring state contracts be with vendors registered to collect use taxes; abolishing the political contribution refund; authorizing local sales taxes; extending a sales tax expiration; providing for compliance with streamlined sales tax agreement; changing the taxation of liquor and cigarettes; authorizing income tax checkoffs; requiring registration of tax shelters and providing for a voluntary compliance initiative; changing job opportunity building zones, border city development zones, biotechnology and health sciences industry zone provisions; setting minimum employee compensation for qualifying business in a JOBZ; limiting sales tax construction exemption in job zones to businesses paying prevailing wage; requiring a referendum for certain subsidies to gambling enterprises; authorizing charges for certain emergency services; imposing a franchise fee on card clubs; defining the term "tax"; regulating tax preparers; suspending appropriations or aids to public employers who prohibit certain employees from wearing a flag on a uniform; providing for training and conduct of assessors; prohibiting purchases of tax-forfeited lands by certain local officials; providing for data classification and exchange of data; establishing a tax reform commission; providing and imposing powers and duties on the commissioner of revenue and other state agencies and departments and on certain political subdivisions and certain officials; changing and imposing penalties; requiring reports; transferring funds; appropriating money; amending Minnesota Statutes 2004, sections 4A.02; 16C.03, by adding a subdivision; 16D.10; 168A.05, subdivision 1a; 190.09, subdivision 2; 240.30, by adding a subdivision; 270.02, subdivision 3; 270.11, subdivision 2; 270.16, subdivision 2;

270.30, subdivisions 1, 5, 6, 8, by adding subdivisions; 270.65; 270.67, subdivision 4; 270.69, subdivision 4; 270A.03, subdivisions 5, 7; 272.01, subdivision 2; 272.02, subdivisions 1a, 7, 47, 53, 64, by adding subdivisions; 272.0211, subdivisions 1, 2; 272.0212, subdivisions 1, 2; 272.029, subdivisions 4, 6; 273.055; 273.0755; 273.11, subdivisions 1a, 8, by adding subdivisions; 273.111, by adding a subdivision; 273.123, subdivision 7; 273.124, subdivisions 3, 6, 8, 14, 21; 273.125, subdivision 8; 273.13, subdivisions 22, 23, 25, by adding a subdivision; 273.1315; 273.1384, subdivision 1; 273.19, subdivision 1a; 273.372; 274.01, subdivision 1; 274.014, subdivisions 2, 3; 274.14; 275.025, subdivision 4; 275.065, subdivisions 1c, 3, 4, 7, by adding subdivisions; 275.07, subdivisions 1, 4; 276.04, subdivision 2; 276.112; 276A.01, subdivision 7; 282.016; 282.08; 282.15; 282.21; 282.224; 282.301; 287.04; 289A.02, subdivision 7; 289A.08, subdivisions 1, 3, 7, 13, 16; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.20, subdivision 2; 289A.31, subdivision 2; 289A.37, subdivision 5; 289A.38, subdivisions 6, 7, by adding subdivisions; 289A.40, subdivision 2, by adding subdivisions; 289A.50, subdivisions 1, 1a; 289A.56, by adding a subdivision; 289A.60, subdivisions 2a, 4, 6, 7, 11, 13, 20, by adding subdivisions; 290.01, subdivisions 6, 7, 7b, 19, as amended, 19a, 19b, 19c, 19d, 31; 290.032, subdivisions 1, 2; 290.06, subdivisions 2c, 22, by adding a subdivision; 290.067, subdivisions 1, 2a; 290.0671, subdivisions 1, 1a; 290.0672, subdivisions 1, 2; 290.0674, subdivisions 1, 2; 290.0675, subdivision 1; 290.091, subdivisions 2, 3; 290.0922, subdivision 2; 290.191, subdivisions 2, 3; 290.92, subdivisions 1, 4b; 290A.03, subdivisions 3, 11, 13, 15, by adding subdivisions; 290A.07, by adding a subdivision; 290A.19; 290B.05, subdivision 3; 290C.05; 290C.10; 291.005, subdivision 1; 291.03, subdivision 1; 295.52, subdivision 4; 295.53, subdivision 1; 295.582; 295.60, subdivision 3; 296A.22, by adding a subdivision; 297A.61, subdivisions 3, 4, by adding a subdivision; 297A.64, subdivision 4; 297A.668, subdivisions 1, 5; 297A.67, subdivisions 2, 7, 9, 29, by adding a subdivision; 297A.68, subdivisions 2, 5, 28, 35, 37, 38, 39, by adding subdivisions; 297A.70, subdivision 10; 297A.71, subdivision 12, by adding a subdivision; 297A.72, by adding a subdivision; 297A.75, subdivision 1; 297A.87, subdivisions 2, 3; 297A.99, subdivisions 1, 3, 4, 9, by adding subdivisions; 297E.01, subdivisions 5, 7, by adding subdivisions; 297E.06, subdivision 2; 297E.07; 297F.08, subdivision 12, by adding a subdivision; 297F.09, subdivisions 1, 2; 297F.14, subdivision 4; 297G.09, by adding a subdivision; 297I.01, by adding subdivisions; 297I.05, subdivisions 4, 5, by adding a subdivision; 298.01, subdivisions 3, 4; 298.24, subdivision 1; 298.75, by adding a subdivision; 325D.33, subdivision 6; 365.43, subdivision 1; 365.431; 366.011; 366.012; 373.45, subdivision 7; 469.169, by adding a subdivision; 469.1735, subdivision 3; 469.176, subdivisions 4l, 7; 469.310, subdivision 11, by adding a subdivision; 469.315; 469.316; 469.317; 469.319, subdivision 1, by adding a subdivision; 469.320, subdivision 3; 469.330, subdivision 11; 469.335; 469.337; 469.340, subdivision 1; 473.843, subdivision 5; 473F.02, subdivisions 2, 7; 477A.011, subdivisions 3, 34, 35, 36, 38; 477A.0124, subdivisions 2, 4; 477A.013, subdivisions 8, 9, by adding a subdivision; 477A.016; 477A.03, subdivisions 2a, 2b; 477A.11, subdivision 4, by adding a subdivision; 477A.12, subdivisions 1, 2; 477A.14, subdivision 1; 645.44, by adding a subdivision; Laws 1998, chapter 389, article 3, section 42, subdivision 2, as amended; Laws 1998, chapter 389, article 8, section 43, subdivision 3; Laws 2001, First Special Session chapter 5, article 3, section 8; Laws 2001, First Special Session chapter 5, article 12, section 95, as amended; Laws 2002, chapter 377, article 3, section 4; Laws 2003, chapter 127, article 5, section 27; Laws 2003, chapter 127, article 5, section 28; Laws 2003, First Special Session chapter 21, article 5, section 13; Laws 2003, First Special Session chapter 21, article 6, section 9; Laws 2005, chapter 43, section 1; proposing coding for new law in Minnesota Statutes, chapters 15; 270; 272; 273; 275; 280; 289A; 290; 290C; 295; 297A; 297F; 373; 459; 473; repealing Minnesota Statutes 2004, sections 10A.322, subdivision 4; 16A.1522, subdivision 4; 270.85; 270.88; 272.02, subdivision 65; 273.19, subdivision 5; 273.37, subdivision 3; 274.05; 275.065, subdivisions 5a, 6, 6b, 8; 275.15; 275.61, subdivision 2; 283.07; 290.06, subdivision 23; 297E.12, subdivision 10; 469.1794, subdivision 6; 477A.08; Laws 1975, chapter 287, section 5; Laws 1998, chapter 389, article 3, section 41; Laws 2003, chapter 127, article 9, section 9, subdivision 4; Minnesota Rules, parts 8093.2000; 8093.3000; 8130.0110, subpart 4; 8130.0200, subparts 5, 6; 8130.0400, subpart 9; 8130.1200, subparts 5, 6; 8130.2900; 8130.3100, subpart 1; 8130.4000, subparts 1, 2; 8130.4200, subpart 1; 8130.4400, subpart 3; 8130.5200; 8130.5600, subpart 3; 8130.5800, subpart 5; 8130.7300, subpart 5; 8130.8800, subpart 4.

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

MOTIONS AND RESOLUTIONS

Hilty moved that the name of Ozment be added as an author on H. F. No. 23. The motion prevailed.

Carlson moved that the names of Peterson, S., and Solberg be added as authors on H. F. No. 99. The motion prevailed.

Larson moved that the names of Kelliher and Peterson, S., be added as authors on H. F. No. 101. The motion prevailed.

Larson moved that the name of Kelliher be added as an author on H. F. No. 102. The motion prevailed.

SUSPENSION OF RULES

DeLaForest moved that the Rules of the House be so far suspended that H. F. No. 100 be recalled from the Committee on Rules and Legislative Administration, be given its second and third readings and be placed upon its final passage. The motion prevailed.

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, DeLaForest moved that the rule therein be suspended and an urgency be declared so that H. F. No. 100 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 100 was read for the second time.

H. F. No. 100 was reported to the House.

DeLaForest moved to amend H. F. No. 100 as follows:

Page 1, line 8, delete "submitted to" and insert "approved by"

Page 1, line 9, after "Legislative" insert "Coordinating Commission"

Page 1, line 9, delete "22" and insert "27"

The motion prevailed and the amendment was adopted.

H. F. No. 100, A bill for an act relating to state government; ratifying amendments to the plans governing unrepresented and managerial state employees.

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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Goodwin

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

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 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Erickson	Hausman	Jaros	Krinkie
Anderson, B.	Dorman	Fritz	Heidgerken	Johnson, S.	Larson
Buesgens	Dorn	Garofalo	Hornstein	Juhnke	Lenczewski
Cox	Eken	Goodwin	Hortman	Kahn	Liebling
Davnie	Ellison	Greiling	Hosch	Knoblach	Lillie
Demmer	Erhardt	Hansen	Howes	Koenen	Marquart

Moe	Pelowski	Rukavina	Simon	Thissen	Wardlow
Olson	Peterson, N.	Sailer	Slawik	Tingelstad	Welti
Otremba	Peterson, S.	Scalze	Smith	Urdahl	Westerberg
Paymar	Poppe	Sieben	Soderstrom	Walker	Westrom

Those who voted in the negative were:

Anderson, I.	Dean	Hilstrom	Lieder	Ozment	Simpson
Atkins	DeLaForest	Hilty	Loeffler	Paulsen	Solberg
Beard	Dempsey	Holberg	Magnus	Penas	Sykora
Bernardy	Dill	Hoppe	Mahoney	Peppin	Thao
Blaine	Eastlund	Huntley	McNamara	Peterson, A.	Vandever
Bradley	Emmer	Johnson, R.	Meslow	Powell	Wagenius
Brod	Entenza	Kelliher	Mullery	Ruth	Wilkin
Carlson	Finstad	Klinzing	Murphy	Ruud	Zellers
Charron	Gazelka	Kohls	Nelson, M.	Samuelson	Spk. Sviggum
Cornish	Gunther	Lanning	Nelson, P.	Seifert	
Cybart	Hackbarth	Latz	Newman	Sertich	
Dauids	Hamilton	Lesch	Nornes	Severson	

The motion did not prevail.

Olson; Peterson, N., and Urdahl introduced:

House Concurrent Resolution No. 7, A House concurrent resolution amending the Temporary Joint Rules of the Senate and House of Representatives.

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

Kohls 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.

ADJOURNMENT

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Smith declared the House stands adjourned until 2:00 p.m., Wednesday, June 29, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

