

## STATE OF MINNESOTA

## SPECIAL SESSION — 2007

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FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, SEPTEMBER 11, 2007

In obedience to the Proclamation of the Honorable Tim Pawlenty, Governor of the State of Minnesota, summoning the two houses of the Legislature to meet in Special Session, the members of the House of Representatives assembled in the Chamber of the House of Representatives at the Capitol in Saint Paul on Tuesday, the eleventh day of September 2007 at 5:00 p.m.

## PROCLAMATION FOR SPECIAL SESSION 2007

*Whereas*, The Minnesota Constitution allows the Governor to call a special session of the legislature on "extraordinary occasions;" and

*Whereas*, On August 18 and 19, 2007, extremely heavy rains caused severe flooding in Dodge, Fillmore, Houston, Olmsted, Steele, Wabasha, and Winona Counties and these counties have been declared a major disaster area by the President of the United States; and

*Whereas*, The flooding has caused extensive damage and loss of property to individuals, businesses, and local governments; and

*Whereas*, The Governor has exercised his emergency powers under existing law to direct available agency resources to assist individuals and local governments, however, the immediate needs in the disaster areas exceed the resources available through the federal government and existing state resources; and

*Whereas*, I have consulted with legislative leaders and have reached agreement that immediate action by the state legislature to provide the necessary relief and the people of Minnesota will be best served by a one-day special session with the limited agenda of providing disaster relief in southeastern Minnesota.

*Now Therefore*, I, Tim Pawlenty, Governor of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Tuesday, September 11, 2007, at 5:00 p.m., at the State Capitol in Saint Paul, Minnesota.

*In Witness Whereof*, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this tenth day of September in the year of our Lord two thousand and seven, and of the State the one hundred forty-ninth.

MARK RITCHIE  
Secretary of StateTIM PAWLENTY  
Governor

At the hour of 5:00 p.m. and pursuant to the Proclamation of the Governor and pursuant to Minnesota Statutes 2006, Section 3.073, the Honorable Margaret Anderson Kelliher, Speaker of the House, called the House of Representatives to order.

Prayer was offered by the Reverend Paul Rogers, House Chaplain.

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

Speaker Kelliher introduced the new House member, Representative Steve Drazkowski from District 28B, and announced that he had previously been administered and subscribed to the oath of office on Thursday, August 16, 2007, and that his election certificate was on file. He was elected in a special election held on Tuesday, August 7, 2007 to replace Representative Steve Sviggum, whose resignation was effective on Tuesday, July 17, 2007.

The roll was called and the following members were present:

Abeler	Dettmer	Haws	Lesch	Olin	Slawik
Anderson, B.	Dill	Heidgerken	Liebling	Olson	Slocum
Anderson, S.	Dittrich	Hilstrom	Lieder	Otremba	Smith
Anzelc	Dominguez	Hilty	Lillie	Ozment	Solberg
Atkins	Doty	Holberg	Loeffler	Paulsen	Swails
Beard	Drazkowski	Hoppe	Madore	Paymar	Thao
Benson	Eastlund	Hornstein	Magnus	Pelowski	Thissen
Berns	Eken	Hortman	Mahoney	Peppin	Tillberry
Bigham	Emmer	Hosch	Mariani	Peterson, A.	Tingelstad
Bly	Erhardt	Howes	Marquart	Peterson, N.	Tschumper
Brod	Erickson	Huntley	Masin	Peterson, S.	Wagenius
Brown	Faust	Jaros	McFarlane	Poppe	Walker
Brynaert	Finstad	Johnson	McNamara	Rukavina	Ward
Buesgens	Fritz	Juhnke	Moe	Ruth	Wardlow
Bunn	Gardner	Kahn	Morgan	Ruud	Welti
Carlson	Garofalo	Kalin	Morrow	Sailer	Westrom
Clark	Greiling	Knuth	Mullery	Seifert	Winkler
Cornish	Gunther	Koenen	Murphy, E.	Sertich	Wollschlager
Davnie	Hackbarth	Kohls	Murphy, M.	Severson	Zellers
Dean	Hamilton	Kranz	Nelson	Shimanski	Spk. Kelliher
DeLaForest	Hansen	Laine	Nornes	Simon	
Demmer	Hausman	Lenczewski	Norton	Simpson	

A quorum was present.

Gottwalt, Lanning, Scalze and Urdahl were excused.

Pursuant to Minnesota Statutes 2006, Section 3.073, the Speaker declared the House of Representatives organized for the 2007 Special Session.

Sertich moved that the Chief Clerk be and is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is now duly organized pursuant to law for this Special Session. The motion prevailed.

#### IN MEMORIAM

The members of the House paused for a moment of silence in memory of the victims and their families of the September 11, 2001, terrorist attacks, the collapse of the I-35W bridge in Minneapolis and the devastating floods in Southeastern Minnesota.

#### IN MEMORIAM

The members of the House paused for a moment of silence in memory of former Representative Mary Forsythe of Edina, Minnesota, who passed away on Thursday, September 6, 2007.

Sertich 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 the Speaker.

### **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House File was introduced:

Tschumper, Pelowski, Welti, Liebling, Drazkowski, Poppe, Norton, Ruth, Demmer, Marquart, Lieder, Clark, Kahn, Brown, Walker, Fritz, Kelliher and Dominguez introduced:

H. F. No. 1, A bill for an act relating to disaster relief; providing money to match and supplement federal disaster assistance for property damaged by the floods of August 2007; providing for temporary waivers of certain program requirements and other relief; providing for flood enrollment impact aid to school districts; providing for property tax abatements and reimbursements; modifying certain property tax and aid provisions in designated counties; facilitating use of federal money to rebuild I-35W bridge over the Mississippi River in the city of Minneapolis; providing aid to local governments and individuals affected by floods, fires, drought, and other disasters; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2006, sections 18E.04, subdivision 4; 72A.20, subdivision 12; 273.124, subdivision 14; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 2006, section 273.123.

The bill was read for the first time.

## DECLARATION OF URGENCY

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Pelowski moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

## SUSPENSION OF RULES

Pelowski moved that the Rules of the House be so far suspended that H. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 1 was read for the second time.

Pursuant to rule 1.50, Sertich moved that the House be allowed to continue in session after 12:00 midnight. The motion prevailed.

Pelowski moved to amend H. F. No. 1 as follows:

Page 13, line 20, delete "\$29,255,000" and insert "\$30,255,000"

The motion prevailed and the amendment was adopted.

Pelowski moved to amend H. F. No. 1, as amended, as follows:

Page 10, after line 23, insert:

"This appropriation is also for the costs of a licensed well contractor to decontaminate any private domestic wells after the second sample result shows positive for bacteria.

The Department of Health shall conduct indoor air quality investigation and sampling in public facilities and nonprofit organizations. \$100,000 will be appropriated from the capacity building grants for this purpose."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1, A bill for an act relating to disaster relief; providing money to match and supplement federal disaster assistance for property damaged by the floods of August 2007; providing for temporary waivers of certain program requirements and other relief; providing for flood enrollment impact aid to school districts; providing for property tax abatements and reimbursements; modifying certain property tax and aid provisions in designated counties;

facilitating use of federal money to rebuild I-35W bridge over the Mississippi River in the city of Minneapolis; providing aid to local governments and individuals affected by floods, fires, drought, and other disasters; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2006, sections 18E.04, subdivision 4; 72A.20, subdivision 12; 273.124, subdivision 14; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 2006, section 273.123.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Lesch	Olin	Slawik
Anderson, B.	Dill	Heidgerken	Liebling	Olson	Slocum
Anderson, S.	Dittrich	Hilstrom	Lieder	Otremba	Smith
Anzelc	Dominguez	Hilty	Lillie	Ozment	Solberg
Atkins	Doty	Holberg	Loeffler	Paulsen	Swails
Beard	Drazkowski	Hoppe	Madore	Paymar	Thao
Benson	Eastlund	Hornstein	Magnus	Pelowski	Thissen
Berns	Eken	Hortman	Mahoney	Peppin	Tillberry
Bigham	Emmer	Hosch	Mariani	Peterson, A.	Tingelstad
Bly	Erhardt	Howes	Marquart	Peterson, N.	Tschumper
Brod	Erickson	Huntley	Masin	Peterson, S.	Wagenius
Brown	Faust	Jaros	McFarlane	Poppe	Walker
Brynaert	Finstad	Johnson	McNamara	Rukavina	Ward
Buesgens	Fritz	Juhnke	Moe	Ruth	Wardlow
Bunn	Gardner	Kahn	Morgan	Ruud	Welti
Carlson	Garofalo	Kalin	Morrow	Sailer	Westrom
Clark	Greiling	Knuth	Mullery	Seifert	Winkler
Cornish	Gunther	Koenen	Murphy, E.	Sertich	Wollschlager
Davnie	Hackbarth	Kohls	Murphy, M.	Severson	Zellers
Dean	Hamilton	Kranz	Nelson	Shimanski	Spk. Kelliher
DeLaForest	Hansen	Laine	Nornes	Simon	
Demmer	Hausman	Lenczewski	Norton	Simpson	

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

### **INTRODUCTION AND FIRST READING OF HOUSE BILLS, Continued**

The following House Files were introduced:

Pelowski, Hilty, Heidgerken, Kalin and Poppe introduced:

H. F. No. 2, A bill for an act relating to elections; requiring voting systems accessible to individuals with disabilities in township elections; amending Minnesota Statutes 2006, section 206.57, subdivision 5.

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

Clark introduced:

H. F. No. 3, A bill for an act relating to insurance; prohibiting insurers from penalizing insureds for certain types of motor vehicle claims and from providing certain incorrect information regarding the effect of a motor vehicle claim on future insurability or premium rates; amending Minnesota Statutes 2006, sections 65B.133, subdivision 5a; 72A.20, subdivision 12.

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

### **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Madam Speaker:

This is to notify you that the Senate is now duly organized for the 2007 Special Session pursuant to the Minnesota Constitution and Minnesota Statutes.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

S. F. No. 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

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

S. F. No. 3, A bill for an act relating to elections; requiring voting systems accessible to individuals with disabilities in township elections; amending Minnesota Statutes 2006, section 206.57, subdivision 5.

The bill was read for the first time.

### **DECLARATION OF URGENCY**

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Pelowski moved that the rule therein be suspended and an urgency be declared so that S. F. No. 3 be given its second and third readings and be placed upon its final passage. The motion prevailed.

## SUSPENSION OF RULES

Pelowski moved that the rules of the House be so far suspended that S. F. No. 3 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 3 was read for the second time.

S. F. No. 3, A bill for an act relating to elections; requiring voting systems accessible to individuals with disabilities in township elections; amending Minnesota Statutes 2006, section 206.57, subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Liebling	Otremba	Smith
Anderson, B.	Dill	Heidgerken	Lieder	Ozment	Solberg
Anderson, S.	Dittrich	Hilstrom	Lillie	Paulsen	Swails
Anzelc	Dominguez	Hilty	Loeffler	Paymar	Thao
Atkins	Doty	Holberg	Magnus	Pelowski	Thissen
Beard	Drazkowski	Hoppe	Mahoney	Peppin	Tillberry
Benson	Eastlund	Hornstein	Mariani	Peterson, A.	Tingelstad
Berns	Eken	Hortman	Marquart	Peterson, N.	Tschumper
Bigham	Emmer	Hosch	Masin	Peterson, S.	Wagenius
Bly	Erhardt	Howes	McFarlane	Poppe	Walker
Brod	Erickson	Jaros	McNamara	Rukavina	Ward
Brown	Faust	Johnson	Moe	Ruth	Wardlow
Brynaert	Finstad	Juhnke	Morgan	Ruud	Welti
Buesgens	Fritz	Kahn	Morrow	Sailer	Westrom
Bunn	Gardner	Kalin	Mullery	Seifert	Winkler
Carlson	Garofalo	Knuth	Murphy, E.	Sertich	Wollschlager
Clark	Greiling	Koenen	Murphy, M.	Severson	Zellers
Cornish	Gunther	Kohls	Nelson	Shimanski	Spk. Kelliher
Davnie	Hackbarth	Kranz	Nornes	Simon	
Dean	Hamilton	Laine	Norton	Simpson	
DeLaForest	Hansen	Lenczewski	Olin	Slawik	
Demmer	Hausman	Lesch	Olson	Slocum	

Those who voted in the negative were:

Huntley                      Madore

The bill was passed and its title agreed to.

### MOTIONS AND RESOLUTIONS

Sertich moved that the Chief Clerk be and is hereby authorized to correct and approve the Journal of the House, 2007 Special Session, for today, Tuesday, September 11, 2007, and that he be authorized to include in the Journal for today any subsequent proceedings. The motion prevailed.

Sertich moved that the Chief Clerk be and is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is about to adjourn this 2007 Special Session sine die. The motion prevailed.

### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following appointments and changes in committee assignments:

Agriculture, Rural Economies and Veterans Affairs: Delete the name of Heidgerken and add the name of Drazkowski.

Finance: Add the name of Heidgerken.

Finance/State Government Finance Division: Add the name of Drazkowski.

Ways and Means: Add the name of Drazkowski.

### MOTION TO ADJOURN 2007 SPECIAL SESSION SINE DIE

Sertich moved that the House adjourn sine die for the 2007 Special Session. The motion prevailed and the Speaker declared the House stands adjourned sine die for the 2007 Special Session.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives