

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

 FIFTY-THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 11, 2011

The House of Representatives convened at 9:00 a.m. and was called to order by Greg Davids, Speaker pro tempore.

Prayer was offered by the Reverend Grady St. Dennis, 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	Davnie	Hancock	Kriesel	Mullery	Scott
Anderson, B.	Dean	Hansen	Lanning	Murdock	Shimanski
Anderson, D.	Dettmer	Hausman	Leidiger	Murphy, M.	Simon
Anderson, P.	Dill	Hayden	LeMieur	Murray	Slawik
Anderson, S.	Dittrich	Hilstrom	Lenczewski	Myhra	Slocum
Anzelc	Doepke	Hilty	Lesch	Nelson	Stensrud
Atkins	Downey	Holberg	Liebling	Nornes	Swedzinski
Banaian	Drazkowski	Hoppe	Lillie	Norton	Thissen
Barrett	Eken	Hornstein	Loeffler	O'Driscoll	Tillberry
Beard	Erickson	Hortman	Lohmer	Paymar	Torkelson
Benson, J.	Fabian	Hosch	Loon	Pelowski	Urdahl
Benson, M.	Falk	Howes	Mack	Peppin	Vogel
Bills	Franson	Huntley	Mahoney	Persell	Wagenius
Brynaert	Fritz	Johnson	Mariani	Petersen, B.	Ward
Buesgens	Garofalo	Kahn	Marquart	Peterson, S.	Wardlow
Carlson	Gauthier	Kath	Mazorol	Poppe	Westrom
Champion	Gottwalt	Kelly	McDonald	Quam	Woodard
Clark	Greene	Kieffer	McFarlane	Rukavina	Spk. Zellers
Cornish	Gruenhagen	Kiel	McNamara	Runbeck	
Crawford	Gunther	Kiffmeyer	Melin	Sanders	
Daudt	Hackbarth	Knuth	Moran	Scalze	
Davids	Hamilton	Koenen	Morrow	Schomacker	

A quorum was present.

Laine and McElpatrick were excused.

Murphy, E., was excused until 10:40 a.m. Winkler was excused until 11:55 a.m. Smith was excused until 12:40 p.m. Greiling was excused until 1:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 712 and H. F. No. 1230, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Fabian moved that the rules be so far suspended that S. F. No. 712 be substituted for H. F. No. 1230 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 779 and H. F. No. 1017, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kelly moved that the rules be so far suspended that S. F. No. 779 be substituted for H. F. No. 1017 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1115 and H. F. No. 1097, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McNamara moved that the rules be so far suspended that S. F. No. 1115 be substituted for H. F. No. 1097 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Dauids from the Committee on Taxes to which was referred:

H. F. No. 1061, A bill for an act relating to state government; appropriating money from the outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund; modifying certain outdoor heritage provisions; establishing accounts; modifying the Clean Water Legacy Act; revising membership and duties of the Clean Water Council; establishing State Capitol Preservation Commission; providing appointments; establishing reporting and other requirements for legacy fund recipients; amending Minnesota Statutes 2010, sections 3.303, subdivision 10; 85.013, by adding a subdivision; 85.53, subdivision 2; 97A.056, subdivision 2, by adding subdivisions; 114D.10; 114D.20, subdivisions 1, 2, 3, 6, 7; 114D.30; 114D.35; 114D.50, subdivision 4; 116.195; 129D.17, subdivision 2; 129D.18, subdivisions 3, 4; 129D.19, subdivision 5; Laws 2009, chapter 172, article 1, section 2, subdivisions 3, 15; article 2, section 4, as amended; article 4, section 9, subdivision 5; Laws 2010, chapter 361, article 1, section 2, subdivision 14; proposing coding for new law in Minnesota Statutes, chapters 15B; 16B; 84; 138; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 6, 7, 8; 114D.45.

Reported the same back with the following amendments:

Page 30, line 6, delete "and to reimburse the general fund for"

Page 30, delete line 7

Page 30, line 8, delete everything before the period

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Anderson, S., from the Committee on Redistricting to which was referred:

H. F. No. 1426, A bill for an act relating to redistricting; adopting a congressional districting plan for use in 2012 and thereafter; amending Minnesota Statutes 2010, sections 2.731; 2.91, subdivision 1; repealing Minnesota Statutes 2010, section 2.031, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 2.731, is amended to read:

2.731 NUMBER OF DISTRICTS.

(a) The state of Minnesota is divided into eight congressional districts, each of which is entitled to elect one representative to the Congress of the United States of America.

(b) Congressional redistricting plan C1101-0, on file with the Geographic Information Services Office of the Legislative Coordinating Commission and published on its Web site on May 9, 2011, is adopted and describes the congressional districts within this state.

Sec. 2. Minnesota Statutes 2010, section 2.91, subdivision 1, is amended to read:

Subdivision 1. **Distribution.** Upon enactment of a redistricting plan for the legislature or for Congress, the Legislative Coordinating Commission shall deposit the plan with the secretary of state. The secretary of state shall provide copies of the relevant portions of the redistricting plan to each county auditor, who shall provide a copy of the relevant portions of the plan to each municipal clerk within the county. The secretary of state, with the cooperation of the commissioner of administration, shall make copies of the plan file, maps, and tables available to the public for the cost of publication. The revisor of statutes shall code a metes and bounds description of the districts, as established pursuant to legislative enactment or court order, in Minnesota Statutes no later than the date of the state primary in the year ending in two.

Sec. 3. **DISTRICTING PRINCIPLES.**

Subdivision 1. **Applicability.** The principles in this section apply to legislative and congressional districts.

Subd. 2. **Nesting.** A representative district may not be divided in the formation of a senate district.

Subd. 3. **Equal population.** (a) Legislative districts must be substantially equal in population. The population of a legislative district must not deviate from the ideal by more than one percent, plus or minus.

(b) Congressional districts must be as nearly equal in population as practicable.

Subd. 4. **Contiguity; compactness.** The districts must be composed of convenient contiguous territory. To the extent consistent with the other principles in this section, districts should be compact. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district. Point contiguity is not sufficient.

Subd. 5. **Numbering.** (a) Legislative districts must be numbered in a regular series, beginning with house district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the 11-county metropolitan area until the southeast corner has been reached; then to the 11-county metropolitan area outside the cities of Minneapolis and St. Paul; then in Minneapolis and St. Paul.

(b) Congressional district numbers must begin with district one in the southeast corner of the state and end with district eight in the northeast corner of the state.

Subd. 6. **Minority representation.** (a) The dilution of racial or ethnic minority voting strength is contrary to the laws of the United States and the state of Minnesota. These principles must not be construed to supersede any provision of the Voting Rights Act of 1965, as amended.

(b) A redistricting plan must not have the intent or effect of dispersing or concentrating minority population in a manner that prevents minority communities from electing their candidates of choice.

Subd. 7. **Minor civil divisions.** (a) A county, city, or town must not be unduly divided unless required to meet equal population requirements or to form districts composed of convenient, contiguous territory.

(b) A county, city, or town is not unduly divided in the formation of a legislative or congressional district if:

(1) the division occurs because a portion of a city or town is noncontiguous with another portion of the same city or town; or

(2) despite the division, the known population of any affected county, city, or town remains wholly located within a single district.

Subd. 8. **Preserving communities of interest.** (a) Districts should attempt to preserve identifiable communities of interest where that can be done in compliance with the preceding principles.

(b) For purposes of this subdivision, "communities of interest" means recognizable areas with similarities of interests, including but not limited to racial, ethnic, geographic, social, or cultural interests.

Subd. 9. **Data to be used.** The geographic areas and population counts used in maps, tables, and legal descriptions of the districts must be those used by the Geographic Information Services Office of the Legislative Coordinating Commission. The population counts will be the 2010 block population counts provided to the state under Public Law 94-171, subject to correction of any errors acknowledged by the United States Census Bureau.

Subd. 10. **Consideration of plans.** A redistricting plan must not be considered for adoption by the senate or house of representatives until a block equivalency file showing the district to which each census block has been assigned, in a form prescribed by the director of the Geographic Information Services Office, has been filed with the director.

Subd. 11. **Priority of principles.** Where it is not possible to fully comply with the principles contained in subdivisions 1 to 8, a redistricting plan must give priority to those principles in the order in which they are listed in this section, except to the extent that doing so would violate federal or state law.

EFFECTIVE DATE; EXPIRATION. This section is effective the day following final enactment and applies to any plan for districts enacted or established for use at the state primary in 2012 and thereafter. This section expires June 1, 2012.

Sec. 4. **REPEALER.**

Minnesota Statutes 2010, section 2.031, subdivision 2, is repealed.

Sec. 5. **EFFECTIVE DATE.**

Except where otherwise provided, this act is effective for the state primary election in 2012 and thereafter."

Amend the title as follows:

Page 1, line 3, after "thereafter;" insert "adopting districting principles for legislative and congressional districts;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 712, 779 and 1115 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Franson introduced:

H. F. No. 1697, A bill for an act relating to human services; implementing health care reform; creating interstate health insurance choice; creating a flexible benefit plan; creating primary provider care tiering for Minnesota health care programs; creating a MinnesotaCare modern benefit plan; authorizing rulemaking; amending Minnesota Statutes 2010, sections 256B.0754, by adding subdivisions; 256L.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62L; 256L; proposing coding for new law as Minnesota Statutes, chapter 62V.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Anzelc, Melin and Rukavina introduced:

H. F. No. 1698, A bill for an act relating to capital investment; appropriating money to acquire land for a regional fire station in Itasca County; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Murray, Howes, Torkelson, Hansen and Gunther introduced:

H. F. No. 1699, A bill for an act relating to capital investment; appropriating money for the Shell Rock River watershed; authorizing the sale and issuance of state bonds.

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

Atkins, Holberg, Johnson, Hoppe and Dean introduced:

H. F. No. 1700, A bill for an act relating to privacy; requiring owner's permission before a portable wireless device can collect location information in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Benson, J., introduced:

H. F. No. 1701, A bill for an act relating to employment; prohibiting abusive work environment practices and establishing remedies; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 8, A bill for an act relating to human services; establishing the healthy Minnesota contribution program; requiring plan to redesign service delivery for lower-income MinnesotaCare enrollees; requiring the Minnesota Comprehensive Health Association to offer a high-deductible, basic plan; requiring the commissioner of human services to seek federal waivers; amending Minnesota Statutes 2010, sections 62E.08, subdivision 1; 62E.14, by adding a subdivision; 256B.04, subdivision 18; 256L.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 62E; 256L.

CAL R. LUDEMAN, Secretary of the Senate

Gottwalt moved that the House refuse to concur in the Senate amendments to H. F. No. 8, 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.

Dean 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.

CALENDAR FOR THE DAY

S. F. No. 86 was reported to the House.

Beard, Pelowski and Koenen moved to amend S. F. No. 86 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 216H.03, subdivision 7, is amended to read:

Subd. 7. **Other exemptions.** The prohibitions in subdivision 3 do not apply to:

(1) a new large energy facility under consideration by the Public Utilities Commission pursuant to proposals or applications filed with the Public Utilities Commission before April 1, 2007, or to any power purchase agreement related to a facility described in this clause. The exclusion of pending proposals and applications from the prohibitions in subdivision 3 does not limit the applicability of any other law and is not an expression of legislative intent regarding whether any pending proposal or application should be approved or denied;

(2) a contract not subject to commission approval that was entered into prior to April 1, 2007, to purchase power from a new large energy facility that was approved by a comparable authority in another state prior to that date, for which municipal or public power district bonds have been issued, and on which construction has begun; ~~or~~

(3) a new large energy facility or a power purchase agreement between a Minnesota utility and a new large energy facility located outside Minnesota that the Public Utilities Commission has determined is essential to ensure the long-term reliability of Minnesota's electric system, to allow electric service for increased industrial demand, or to avoid placing a substantial financial burden on Minnesota ratepayers. An order of the commission granting an exemption under this clause is stayed until the June 1 following the next regular or annual session of the legislature that begins after the date of the commission's final order; or

(4) 2,500 megawatts of electric generating capacity, in aggregate, from new large energy facilities or power purchase agreements with new large energy facilities that:

(i) are fueled by feedstock coal that on a moist, mineral-matter-free basis has a calorific value averaging less than 8,500 Btus per pound, or beneficiated coal derived from such coal; and

(ii) began construction after April 1, 2007.

Projects will receive priority for exemption under this clause based on the shortest amount of time after April 1, 2007 and the date construction of a new large energy facility begins or a power purchase agreement with a new large energy facility is signed, as applicable, until the 2,500 megawatt aggregate capacity limit is reached.

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

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker called Lanning to the Chair.

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

Murphy, E., was excused between the hours of 11:10 a.m. and 1:20 p.m.

The question was taken on the Beard et al amendment and the roll was called. There were 77 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gottwalt	Koenen	Murdock	Schomacker
Anderson, B.	Dean	Gruenhagen	Kriesel	Murray	Scott
Anderson, D.	Dettmer	Gunther	Lanning	Myhra	Shimanski
Anderson, P.	Dill	Hamilton	Leidiger	Nornes	Stensrud
Anderson, S.	Doepke	Hancock	LeMieur	O'Driscoll	Swedzinski
Banaian	Downey	Holberg	Looner	Pelowski	Torkelson
Barrett	Drazkowski	Hoppe	Loon	Peppin	Urdahl
Beard	Eken	Howes	Mack	Petersen, B.	Vogel
Benson, M.	Erickson	Kath	Marquart	Poppe	Ward
Bills	Fabian	Kelly	Mazorol	Quam	Wardlow
Cornish	Franson	Kieffer	McDonald	Rukavina	Westrom
Crawford	Fritz	Kiel	McFarlane	Runbeck	Woodard
Daudt	Garofalo	Kiffmeyer	McNamara	Sanders	

Those who voted in the negative were:

Anzelc	Dittrich	Hilty	Lesch	Murphy, M.	Slocum
Atkins	Falk	Hornstein	Liebling	Nelson	Thissen
Benson, J.	Gauthier	Hortman	Lillie	Norton	Tillberry
Brynaert	Greene	Hosch	Loeffler	Paymar	Wagenius
Buesgens	Hackbarth	Huntley	Mahoney	Persell	
Carlson	Hansen	Johnson	Melin	Peterson, S.	
Champion	Hausman	Kahn	Moran	Scalze	
Clark	Hayden	Knuth	Morrow	Simon	
Davnie	Hilstrom	Lenczewski	Mullery	Slawik	

The motion prevailed and the amendment was adopted.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Downey announced his intention to place S. F. No. 1115 on the Fiscal Calendar for Thursday, May 12, 2011.

CALENDAR FOR THE DAY, Continued

Falk moved to amend S. F. No. 86, as amended, as follows:

Page 1, after line 2, insert:

"Section 1. Minnesota Statutes 2010, section 216H.02, subdivision 1, is amended to read:

Subdivision 1. **Greenhouse gas emissions-reduction goal.** Because human-caused greenhouse gas emissions contribute significantly to global climate change and pose serious challenges for the future of Minnesota's economy, including, its agricultural, forestry, and tourism industries, it is the goal of the state to reduce statewide greenhouse gas emissions across all sectors producing those emissions to a level at least 15 percent below 2005 levels by 2015, to a level at least 30 percent below 2005 levels by 2025, and to a level at least 80 percent below 2005 levels by 2050. The levels shall be reviewed based on the climate change action plan study.

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

A roll call was requested and properly seconded.

Hackbarth moved to amend the Falk amendment to S. F. No. 86, as amended, as follows:

Page 1, line 10, strike everything after "gas emissions" and insert a period

Page 1, strike lines 11 to 13

A roll call was requested and properly seconded.

POINT OF ORDER

Kahn raised a point of order pursuant to section 401, paragraph 2, of "Mason's Manual of Legislative Procedure," relating to Frivolous and Improper Amendments, that the Hackbarth amendment to the Falk amendment was not in order. Speaker pro tempore Lanning ruled the Kahn point of order not well taken and the Hackbarth amendment to the Falk amendment in order.

Falk appealed the decision of Speaker pro tempore Lanning.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Lanning stand as the judgment of the House?" and the roll was called. There were 75 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Abeler	Crawford	Gruenhagen	Kiffmeyer	McNamara	Shimanski
Anderson, B.	Daudt	Gunther	Kriesel	Murdock	Stensrud
Anderson, D.	Dauids	Hackbarth	Lanning	Murray	Swedzinski
Anderson, P.	Dean	Hamilton	Leidiger	Myhra	Torkelson
Anderson, S.	Dettmer	Hancock	LeMieur	Nornes	Urdahl
Atkins	Doepke	Hansen	Liebling	O'Driscoll	Vogel
Banaian	Downey	Holberg	Lillie	Peppin	Wardlow
Barrett	Drazkowski	Hoppe	Lohmer	Petersen, B.	Westrom
Beard	Erickson	Hortman	Loon	Quam	Woodard
Benson, M.	Fabian	Howes	Mack	Runbeck	Spk. Zellers
Bills	Franson	Kelly	Mazorol	Sanders	
Buesgens	Garofalo	Kieffer	McDonald	Schomacker	
Cornish	Gottwalt	Kiel	McFarlane	Scott	

Those who voted in the negative were:

Anzelc	Falk	Hosch	Loeffler	Paymar	Slocum
Benson, J.	Fritz	Huntley	Mahoney	Pelowski	Thissen
Brynaert	Gauthier	Johnson	Marquart	Persell	Tillberry
Carlson	Greene	Kahn	Melin	Peterson, S.	Wagenius
Champion	Hausman	Kath	Morrow	Poppe	Ward
Davnie	Hayden	Knuth	Mullery	Rukavina	Winkler
Dill	Hilstrom	Koenen	Murphy, M.	Scalze	
Dittrich	Hilty	Lenczewski	Nelson	Simon	
Eken	Hornstein	Lesch	Norton	Slawik	

So it was the judgment of the House that the decision of Speaker pro tempore Lanning should stand.

The Speaker resumed the Chair.

The question recurred on the Hackbarth amendment to the Falk amendment and the roll was called. There were 67 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Daudt	Gunther	Lanning	Nornes	Torkelson
Anderson, D.	Dauids	Hackbarth	Leidiger	O'Driscoll	Urdahl
Anderson, P.	Dean	Hamilton	LeMieur	Peppin	Vogel
Anderson, S.	Dettmer	Hancock	Lohmer	Petersen, B.	Wardlow
Banaian	Doepke	Holberg	Mack	Quam	Westrom
Barrett	Downey	Hoppe	Mazorol	Runbeck	Woodard
Beard	Drazkowski	Howes	McDonald	Sanders	Spk. Zellers
Benson, M.	Fabian	Kelly	McFarlane	Schomacker	
Bills	Franson	Kieffer	McNamara	Scott	
Buesgens	Garofalo	Kiel	Murdock	Shimanski	
Cornish	Gottwalt	Kiffmeyer	Murray	Stensrud	
Crawford	Gruenhagen	Kriesel	Myhra	Swedzinski	

Those who voted in the negative were:

Abeler	Dittrich	Hilty	Lenczewski	Morrow	Rukavina
Anzelc	Eken	Hornstein	Lesch	Mullery	Scalze
Atkins	Falk	Hortman	Liebling	Murphy, M.	Simon
Benson, J.	Fritz	Hosch	Lillie	Nelson	Slawik
Brynaert	Gauthier	Huntley	Loeffler	Norton	Slocum
Carlson	Greene	Johnson	Loon	Paymar	Thissen
Champion	Hansen	Kahn	Mahoney	Pelowski	Tillberry
Clark	Hausman	Kath	Marquart	Persell	Wagenius
Davnie	Hayden	Knuth	Melin	Peterson, S.	Ward
Dill	Hilstrom	Koenen	Moran	Poppe	Winkler

The motion prevailed and the amendment to the amendment was adopted.

Falk withdrew his amendment, as amended, to S. F. No. 86, as amended.

Knuth moved to amend S. F. No. 86, as amended, as follows:

Page 2, line 9, delete everything after "effective" and insert "when the United States Department of Defense reverses the assessment made in its Quadrennial Defense Review Report published in February 2010 that "climate change will play a significant role in shaping the future security environment [and the Department] will need to adjust to the impacts of climate change on our facilities and military capabilities [by developing] policies and plans to manage the effects of climate change.""

A roll call was requested and properly seconded.

The question was taken on the Knuth amendment and the roll was called. There were 53 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anzelc	Fritz	Hortman	Liebling	Murphy, M.	Simon
Atkins	Gauthier	Hosch	Lillie	Nelson	Slawik
Benson, J.	Greene	Huntley	Loeffler	Norton	Slocum
Brynaert	Hansen	Johnson	Mahoney	Paymar	Thissen
Carlson	Hausman	Kahn	Marquart	Persell	Tillberry
Clark	Hayden	Kath	Melin	Peterson, S.	Wagenius
Davnie	Hilstrom	Knuth	Moran	Poppe	Ward
Dittrich	Hilty	Lenczewski	Morrow	Rukavina	Winkler
Falk	Hornstein	Lesch	Mullery	Scalze	

Those who voted in the negative were:

Abeler	Barrett	Crawford	Doepke	Franson	Hamilton
Anderson, B.	Beard	Daudt	Downey	Garofalo	Hancock
Anderson, D.	Benson, M.	Davids	Drazkowski	Gottwalt	Holberg
Anderson, P.	Bills	Dean	Eken	Gruenhagen	Hoppe
Anderson, S.	Buesgens	Dettmer	Erickson	Gunther	Howes
Banaian	Cornish	Dill	Fabian	Hackbarth	Kelly

Kieffer	LeMieur	McNamara	Peppin	Shimanski	Wardlow
Kiel	Lohmer	Murdock	Petersen, B.	Smith	Westrom
Kiffmeyer	Loon	Murray	Quam	Stensrud	Woodard
Koenen	Mack	Myhra	Runbeck	Swedzinski	Spk. Zellers
Kriesel	Mazorol	Nornes	Sanders	Torkelson	
Lanning	McDonald	O'Driscoll	Schomacker	Urdahl	
Leidiger	McFarlane	Pelowski	Scott	Vogel	

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

Persell moved to amend S. F. No. 86, as amended, as follows:

Page 2, line 9, delete "the day following final enactment" and insert "when no more than ten percent of Minnesota lakes, rivers, and streams whose fish have been assessed by the Department of Health have been found to contain mercury at levels of concern for consumption by women of child bearing age and children up to 15 years"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Falk moved to amend the Persell amendment to S. F. No. 86, as amended, as follows:

Page 1, after line 2, insert:

"Section 1. Minnesota Statutes 2010, section 216H.02, subdivision 1, is amended to read:

Subdivision 1. **Greenhouse gas emissions-reduction goal.** Because human-caused greenhouse gas emissions contribute significantly to global climate change and pose serious challenges for the future of Minnesota's economy, including, its agricultural, forestry, and tourism industries, it is the goal of the state to reduce statewide greenhouse gas emissions across all sectors producing those emissions to a level at least 15 percent below 2005 levels by 2015, to a level at least 30 percent below 2005 levels by 2025, and to a level at least 80 percent below 2005 levels by 2050. The levels shall be reviewed based on the climate change action plan study.

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

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 55 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anzelc	Falk	Hortman	Liebling	Nelson	Thissen
Atkins	Fritz	Hosch	Lillie	Norton	Tillberry
Benson, J.	Gauthier	Huntley	Loeffler	Paymar	Wagenius
Brynaert	Greene	Johnson	Mahoney	Persell	Ward
Carlson	Hansen	Kahn	Marquart	Peterson, S.	Winkler
Champion	Hausman	Kath	Melin	Poppe	
Clark	Hayden	Knuth	Moran	Scalze	
Davnie	Hilstrom	Koenen	Morrow	Simon	
Dittrich	Hilty	Lenczewski	Mullery	Slawik	
Eken	Hornstein	Lesch	Murphy, M.	Slocum	

Those who voted in the negative were:

Abeler	Daudt	Gruenhagen	Lanning	Nornes	Stensrud
Anderson, B.	Dauids	Gunther	Leidiger	O'Driscoll	Swedzinski
Anderson, D.	Dean	Hackbarth	LeMieur	Pelowski	Torkelson
Anderson, P.	Dettmer	Hamilton	Lohmer	Peppin	Urdahl
Anderson, S.	Dill	Hancock	Loon	Petersen, B.	Vogel
Banaian	Doepke	Holberg	Mack	Quam	Wardlow
Barrett	Downey	Hoppe	Mazorol	Rukavina	Westrom
Beard	Drazkowski	Howes	McDonald	Runbeck	Woodard
Benson, M.	Erickson	Kelly	McFarlane	Sanders	Spk. Zellers
Bills	Fabian	Kieffer	McNamara	Schomacker	
Buesgens	Franson	Kiel	Murdock	Scott	
Cornish	Garofalo	Kiffmeyer	Murray	Shimanski	
Crawford	Gottwalt	Kriesel	Myhra	Smith	

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

The question recurred on the Persell amendment and the roll was called. There were 54 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilty	Lenczewski	Morrow	Scalze
Anzelc	Falk	Hornstein	Lesch	Mullery	Simon
Atkins	Fritz	Hortman	Liebling	Murphy, M.	Slawik
Benson, J.	Gauthier	Hosch	Lillie	Nelson	Slocum
Brynaert	Greene	Huntley	Loeffler	Norton	Thissen
Carlson	Hansen	Johnson	Mahoney	Paymar	Tillberry
Champion	Hausman	Kahn	Marquart	Persell	Wagenius
Clark	Hayden	Kath	Melin	Peterson, S.	Ward
Davnie	Hilstrom	Knuth	Moran	Poppe	Winkler

Those who voted in the negative were:

Anderson, B.	Anderson, S.	Beard	Buesgens	Daudt	Dettmer
Anderson, D.	Banaian	Benson, M.	Cornish	Dauids	Dill
Anderson, P.	Barrett	Bills	Crawford	Dean	Doepke

Downey	Hackbarth	Koenen	McFarlane	Quam	Torkelson
Drazkowski	Hamilton	Kriesel	McNamara	Rukavina	Urdahl
Eken	Hancock	Lanning	Murdock	Runbeck	Vogel
Erickson	Holberg	Leidiger	Murray	Sanders	Wardlow
Fabian	Hoppe	LeMieur	Myhra	Schomacker	Westrom
Franson	Howes	Lohmer	Nornes	Scott	Woodard
Garofalo	Kelly	Loon	O'Driscoll	Shimanski	Spk. Zellers
Gottwalt	Kieffer	Mack	Pelowski	Smith	
Gruenhagen	Kiel	Mazorol	Peppin	Stensrud	
Gunther	Kiffmeyer	McDonald	Petersen, B.	Swedzinski	

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

Huntley moved to amend S. F. No. 86, as amended, as follows:

Page 1, after line 2, insert:

"Section 1. Minnesota Statutes 2010, section 216B.243, is amended by adding a subdivision to read:

Subd. 3c. **Environmental data; coal plant.** The environmental information prepared as part of a certificate of need application for a coal-burning electric generating plant must include an analysis of health impacts associated with the projected air emissions from the plant, including, but not limited to, estimated increases in rates of asthma, reduced lung function, and premature death."

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 Huntley amendment and the roll was called. There were 59 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeler	Falk	Hornstein	Lenczewski	Moran	Scalze
Anzelc	Fritz	Hortman	Lesch	Morrow	Simon
Atkins	Gauthier	Hosch	Liebling	Mullery	Slawik
Benson, J.	Greene	Huntley	Lillie	Murphy, M.	Slocum
Brynaert	Hamilton	Johnson	Loeffler	Nelson	Thissen
Carlson	Hansen	Kahn	Loon	Norton	Tillberry
Champion	Hausman	Kath	Mahoney	Paymar	Wagenius
Clark	Hayden	Kieffer	Marquart	Persell	Ward
Davnie	Hilstrom	Knuth	McNamara	Peterson, S.	Winkler
Dittrich	Hilty	Kriesel	Melin	Poppe	

Those who voted in the negative were:

Anderson, B.	Anderson, S.	Beard	Buesgens	Daudt	Dettmer
Anderson, D.	Banaian	Benson, M.	Cornish	Dauids	Dill
Anderson, P.	Barrett	Bills	Crawford	Dean	Doepke

Downey	Gunther	Koenen	Murdock	Rukavina	Torkelson
Drazkowski	Hackbarth	Lanning	Murray	Runbeck	Urdahl
Eken	Hancock	Leidiger	Myhra	Sanders	Vogel
Erickson	Holberg	LeMieur	Nornes	Schomacker	Wardlow
Fabian	Hoppe	Lohmer	O'Driscoll	Scott	Westrom
Franson	Howes	Mack	Pelowski	Shimanski	Woodard
Garofalo	Kelly	Mazorol	Peppin	Smith	Spk. Zellers
Gottwalt	Kiel	McDonald	Petersen, B.	Stensrud	
Gruenhagen	Kiffmeyer	McFarlane	Quam	Swedzinski	

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

S. F. No. 86, A bill for an act relating to energy; removing ban on increased carbon dioxide emissions by utilities; amending Minnesota Statutes 2010, section 216H.02, subdivision 4; repealing Minnesota Statutes 2010, section 216H.03.

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 76 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Davids	Gruenhagen	Kriesel	Murray	Shimanski
Anderson, D.	Dean	Gunther	Lanning	Myhra	Smith
Anderson, P.	Dettmer	Hackbarth	Leidiger	Nornes	Stensrud
Anderson, S.	Dill	Hamilton	LeMieur	O'Driscoll	Swedzinski
Banaian	Doepke	Hancock	Lohmer	Pelowski	Torkelson
Barrett	Downey	Holberg	Loon	Peppin	Urdahl
Beard	Drazkowski	Hoppe	Mack	Petersen, B.	Vogel
Benson, M.	Eken	Howes	Marquart	Quam	Wardlow
Bills	Erickson	Kelly	Mazorol	Rukavina	Westrom
Buesgens	Fabian	Kieffer	McDonald	Runbeck	Woodard
Cornish	Franson	Kiel	McFarlane	Sanders	Spk. Zellers
Crawford	Garofalo	Kiffmeyer	McNamara	Schomacker	
Daudt	Gottwalt	Koenen	Murdock	Scott	

Those who voted in the negative were:

Abeler	Falk	Hilty	Lenczewski	Mullery	Scalze
Anzelc	Fritz	Hornstein	Lesch	Murphy, E.	Simon
Atkins	Gauthier	Hortman	Liebling	Murphy, M.	Slawik
Benson, J.	Greene	Hosch	Lillie	Nelson	Slocum
Brynaert	Greiling	Huntley	Loeffler	Norton	Thissen
Carlson	Hansen	Johnson	Mahoney	Paymar	Tillberry
Clark	Hausman	Kahn	Melin	Persell	Wagenius
Davnie	Hayden	Kath	Moran	Peterson, S.	Ward
Dittrich	Hilstrom	Knuth	Morrow	Poppe	Winkler

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

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

MOTIONS AND RESOLUTIONS

Garofalo moved that the name of Persell be added as an author on H. F. No. 495. The motion prevailed.

Hamilton moved that the name of Dettmer be added as an author on H. F. No. 905. The motion prevailed.

Dauids moved that the name of Hamilton be added as an author on H. F. No. 1689. The motion prevailed.

Hayden moved that the name of Champion be added as an author on H. F. No. 1690. The motion prevailed.

Simon moved that the names of Hornstein and Hausman be added as authors on H. F. No. 1696. The motion prevailed.

MOTION TO DECLARE URGENCY

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Ward moved that the rule therein be suspended and an urgency be declared and that the rules of the House be so far suspended so that S. F. No. 1115, now on the General Register, be given its third reading and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Ward motion and the roll was called. There were 64 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Hilty	Lenczewski	Murphy, E.	Slawik
Atkins	Falk	Hornstein	Lesch	Murphy, M.	Slocum
Benson, J.	Fritz	Hortman	Liebling	Nelson	Thissen
Brynaert	Gauthier	Hosch	Lillie	Paymar	Tillberry
Carlson	Greene	Huntley	Loeffler	Pelowski	Urdahl
Champion	Greiling	Johnson	Mahoney	Persell	Vogel
Clark	Hancock	Kahn	Marquart	Peterson, S.	Wagenius
Davnie	Hansen	Kath	Melin	Poppe	Ward
Dill	Hausman	Knuth	Moran	Rukavina	Winkler
Dittrich	Hayden	Koenen	Morrow	Scalze	
Doepke	Hilstrom	LeMieur	Mullery	Simon	

Those who voted in the negative were:

Abeler	Benson, M.	Dettmer	Gruenhagen	Kieffer	Mack
Anderson, B.	Bills	Downey	Gunther	Kiel	Mazorol
Anderson, D.	Buesgens	Drazkowski	Hackbarth	Kiffmeyer	McDonald
Anderson, P.	Cornish	Erickson	Hamilton	Kriesel	McFarlane
Anderson, S.	Crawford	Fabian	Holberg	Lanning	McNamara
Banaian	Daudt	Franson	Hoppe	Leidiger	Murdock
Barrett	Dauids	Garofalo	Howes	Lohmer	Murray
Beard	Dean	Gottwalt	Kelly	Loon	Myhra

Nornes	Petersen, B.	Sanders	Shimanski	Swedzinski	Westrom
O'Driscoll	Quam	Schomacker	Smith	Torkelson	Woodard
Peppin	Runbeck	Scott	Stensrud	Wardlow	Spk. Zellers

Not having received the constitutionally required two-thirds vote, the motion did not prevail.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 8:

Gottwalt, Abeler and Mack.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 9:00 a.m., Thursday, May 12, 2011. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Thursday, May 12, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

