

STATE OF MINNESOTA

# Journal of the House

SPECIAL SESSION — 2012

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FIRST DAY

SAINT PAUL, MINNESOTA, FRIDAY, AUGUST 24, 2012

In obedience to the Proclamation of the Honorable Mark Dayton, 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 Friday, the twenty-fourth day of August 2012 at 2:00 p.m.

## PROCLAMATION FOR SPECIAL SESSION 2012

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

*Whereas*, From June 14 through June 21, 2012, severe storms and flooding occurred, causing historic damage to the Counties of Aitkin, Carlton, Cook, Crow Wing, Dakota, Goodhue, Kandiyohi, Lake, Meeker, Pine, Rice, Sibley, and Saint Louis, and to the Fond du Lac Band of Lake Superior Chippewa, Grand Portage Band of Lake Superior Chippewa, and the Mille Lacs Band of Ojibwe; and

*Whereas*, The Honorable Barack Obama, President of the United States of America, declared that a major disaster exists in the State of Minnesota, and granted federal aid for public infrastructure, but denied my request for individual assistance for residents whose homes, business, and lives were devastated by the terrible flooding; and

*Whereas*, I have exercised my emergency powers under existing law to direct agency resources to affected individuals and local governments; however, the immediate needs in the disaster areas far exceed available federal and state resources; and

*Whereas*, I have consulted with legislative leaders and have reached an agreement that immediate action by the State Legislature is necessary to provide assistance and aid to impacted local governments, business, and individuals; and

*Whereas*, The people of Minnesota are best served by a one-day special session with the limited agenda of passing a 2012 Disaster Relief Appropriations Bill; and

*Whereas*, Elected leaders of the Legislature have agreed upon an agenda and procedure to complete a special session within one legislative day.

*Now, Therefore*, I, Mark Dayton, Governor of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Friday, August 24, 2012 at 2:00 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 22<sup>nd</sup> day of August.

MARK RITCHIE  
Secretary of State

MARK DAYTON  
Governor

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At the hour of 2:00 p.m. and pursuant to the Proclamation of the Governor and pursuant to Minnesota Statutes 2010, Section 3.073, the Honorable Kurt Zellers, Speaker of the House, called the House of Representatives to order.

Prayer was offered by the Reverend Dan Nordin, Our Saviour's Lutheran Church, East Bethel, Minnesota.

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

A quorum was present.

Champion, Cornish, Dill and Greiling were excused.

Pursuant to Minnesota Statutes 2010, Section 3.073, the Speaker declared the House of Representatives organized for the 2012 Special Session.

Dean 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.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kelly; McElfratrick; Murphy, M.; Vogel; Huntley; Howes; Ward; Hansen; Thissen; Dill; Hilty; Fritz; Persell; Melin and Anzelc introduced:

H. F. No. 1, A bill for an act relating to disaster assistance; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; authorizing the sale and issuance of state bonds; providing flood loss aid and property tax relief; transferring and cancelling prior

appropriations; appropriating money for flood and windstorm relief; amending Minnesota Statutes 2010, sections 12A.07, by adding a subdivision; 12A.09, by adding a subdivision; 116J.8731, by adding subdivisions; Minnesota Statutes 2011 Supplement, section 12A.07, subdivision 2; Laws 2009, chapter 172, article 4, section 2, subdivision 5; Laws 2011, First Special Session chapter 6, article 4, section 2, subdivision 6.

The bill was read for the first time.

Kelly and Simon introduced:

H. F. No. 2, A bill for an act relating to disaster assistance; making miscellaneous corrections to the 2012 First Special Session flood relief legislation; amending Minnesota Statutes 2010, section 116J.8731, subdivision 9, as added if enacted; 2012 First Special Session H. F. 1, article 1, sections 5, if enacted; 10, subdivision 3, if enacted.

The bill was read for the first time.

Clark introduced:

H. F. No. 3, A bill for an act relating to food safety; regulating genetically engineered food; amending Minnesota Statutes 2010, section 34A.03, as added; proposing coding for new law in Minnesota Statutes, chapter 31.

The bill was read for the first time.

H. F. No. 1 was reported to the House.

#### DECLARATION OF URGENCY

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Dean 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 H. F. No. 1 be given its second and third readings and be placed upon its final passage.

#### MOTION TO ADJOURN SINE DIE

Buesgens moved that the House adjourn sine die for the 2012 Special Session. The motion did not prevail.

The question recurred on the Dean motion. The motion prevailed.

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

H. F. No. 1, A bill for an act relating to disaster assistance; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; authorizing the sale and issuance of state bonds; providing flood loss aid and property tax relief; transferring and cancelling prior appropriations; appropriating money for flood and windstorm relief; amending Minnesota Statutes 2010, sections

12A.07, by adding a subdivision; 12A.09, by adding a subdivision; 116J.8731, by adding subdivisions; Minnesota Statutes 2011 Supplement, section 12A.07, subdivision 2; Laws 2009, chapter 172, article 4, section 2, subdivision 5; Laws 2011, First Special Session chapter 6, article 4, section 2, subdivision 6.

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 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Buesgens	Hackbarth
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The bill was passed and its title agreed to.

H. F. No. 2 was reported to the House.

#### DECLARATION OF URGENCY

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Dean 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 H. F. No. 2 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 2 was read for the second time.

H. F. No. 2, A bill for an act relating to disaster assistance; making miscellaneous corrections to the 2012 First Special Session flood relief legislation; amending Minnesota Statutes 2010, section 116J.8731, subdivision 9, as added if enacted; 2012 First Special Session H. F. 1, article 1, sections 5, if enacted; 10, subdivision 3, if enacted.

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 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Hilstrom	LeMieur	Murdock	Schomacker
Allen	Dettmer	Hilty	Lenczewski	Murphy, E.	Scott
Anderson, B.	Dittrich	Holberg	Lesch	Murphy, M.	Shimanski
Anderson, D.	Doepke	Hoppe	Liebling	Murray	Simon
Anderson, P.	Downey	Hornstein	Lillie	Myhra	Slawik
Anderson, S.	Drazkowski	Hortman	Loeffler	Nelson	Slocum
Anzelc	Eken	Hosch	Lohmer	Nornes	Smith
Atkins	Erickson	Howes	Loon	Norton	Stensrud
Banaian	Fabian	Huntley	Mack	O'Driscoll	Swedzinski
Barrett	Falk	Johnson	Mahoney	Paymar	Thissen
Beard	Franson	Kahn	Mariani	Pelowski	Tillberry
Benson, J.	Fritz	Kath	Marquart	Peppin	Torkelson
Benson, M.	Garofalo	Kelly	Mazorol	Persell	Urdahl
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Carlson	Gruenhagen	Kiffmeyer	McFarlane	Poppe	Ward
Clark	Gunther	Knuth	McNamara	Quam	Wardlow
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Davids	Hansen	Lanning	Morrow	Sanders	Woodard
Davnie	Hausman	Leidiger	Mullery	Scalze	Spk. Zellers

Those who voted in the negative were:

Buesgens                      Hackbarth

The bill was passed and its title agreed to.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

This is to notify you that the Senate is now duly organized for the 2012 Special Session pursuant to the Minnesota Constitution and Minnesota Statutes.

CAL R. LUDEMAN, Secretary of the Senate

## MOTIONS AND RESOLUTIONS

Dean moved that the Chief Clerk be and he is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is about to adjourn the 2012 Special Session sine die. The motion prevailed.

Dean moved that the Chief Clerk be and he is hereby authorized to correct and approve the Journal of the House, 2012 Special Session, for today, Friday, August 24, 2012, and that he be authorized to include in the Journal for today any subsequent proceedings. The motion prevailed.

### ADJOURNMENT OF THE 2012 SPECIAL SESSION SINE DIE

Dean moved that the House adjourn sine die for the 2012 Special Session. The motion prevailed and the Speaker declared the House stands adjourned sine die for the 2012 Special Session.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives