STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

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FIFTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 12, 2005

The House of Representatives convened at 9:30 a.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Anderson, B., was excused.

Erhardt was excused until 9:55 a.m. Abrams was excused until 10:05 a.m. Olson was excused until 10:40 a.m.

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

S. F. No. 1485 and H. F. No. 759, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mahoney moved that S. F. No. 1485 be substituted for H. F. No. 759 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 1485 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

DeLaForest; Hoppe; Anderson, B.; Emmer; Kohls and Seifert introduced:

H. F. No. 2512, A bill for an act relating to natural resources; repealing certain provisions prohibiting worker displacement; repealing Minnesota Statutes 2004, sections 84.901, subdivision 4; 85.045, subdivision 4.

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

Hansen, Ozment, Atkins, Mariani, Welti and Liebling introduced:

H. F. No. 2513, A bill for an act relating to transportation; appropriating money and authorizing bonds for the Robert Street Corridor Transit Way study and design.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Atkins, Wilkin, Davids, Meslow, Sailer and Thissen introduced:

H. F. No. 2514, A bill for an act relating to securities; enacting and modifying the 2002 Uniform Securities Act of the National Conference of Commissioners on Uniform State Laws; prescribing criminal penalties; amending Minnesota Statutes 2004, sections 60A.077, subdivision 9; 82.23; 82.43, subdivision 7; 144A.01, subdivision 4; 245A.02, subdivision 5a; 302A.011, subdivision 26; 302A.251, subdivision 4; 308A.505; 308B.465, subdivision 2; 322B.03, subdivision 43; 322B.663, subdivision 4; 356A.06, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 80A; repealing Minnesota Statutes 2004, sections 80A.01; 80A.02; 80A.03; 80A.04; 80A.041; 80A.05; 80A.06; 80A.07; 80A.08; 80A.09; 80A.10; 80A.11; 80A.115; 80A.12; 80A.122; 80A.125; 80A.13; 80A.14; 80A.15; 80A.16; 80A.17; 80A.18; 80A.19; 80A.22; 80A.23; 80A.24; 80A.25; 80A.26; 80A.27; 80A.28; 80A.29; 80A.30; 80A.31.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.
MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1761, A bill for an act relating to health; providing for voluntary disenrollment from MinnesotaCare for certain members of the military; amending Minnesota Statutes 2004, section 256L.07, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 947, A bill for an act relating to health; providing for an optional record of birth resulting in stillbirth; amending Minnesota Statutes 2004, sections 144.212, subdivision 8; 144.222, subdivision 1; 144.226, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Rules, part 4601.2200, subpart 1.

PATRICK E. FLAHAVEN, Secretary of 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. 1333, A bill for an act relating to local government; permitting the city of Wabasha to establish a port authority commission; proposing coding for new law in Minnesota Statutes, chapter 469.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dempsey moved that the House concur in the Senate amendments to H. F. No. 1333 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1333, A bill for an act relating to local government; permitting the cities of Wabasha and Ortonville to establish a port authority commission; proposing coding for new law in Minnesota Statutes, chapter 469.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.
The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

**FISCAL CALENDAR**

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 2461, the fifth engrossment, which was amended on Wednesday, May 11, 2005.

H. F. No. 2461, as amended on Wednesday, May 11, 2005, was reported to the House.

H. F. No. 2461, as amended, was read for the third time.

**CALL OF THE HOUSE**

On the motion of Kelliher and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

| Anderson, I. | Davnie | Finstad | Hilstrom | Juhnke | Liebling |
| Atkins | Dean | Fritz | Hilty | Kahn | Lieder |
| Bernardy | DeLaForest | Garofalo | Holberg | Kelliher | Lillie |
| Blaine | Dempsey | Gazelka | Hoppe | Klinzing | Loeffler |
| Bradley | Dill | Goodwin | Hornstein | Knoblach | Magnus |
| Brod | Dittrich | Greiling | Hortman | Koenen | Mahoney |
| Buesgens | Dorn | Gunther | Hosch | Kohls | Marquart |
| Charron | Eastlund | Hackbarth | Howes | Lanning | McNamara |
| Cornish | Eken | Hamilton | Huntley | Larson | Meslow |
| Cox | Emmer | Hansen | Jaros | Latz | Moe |
| Cybart | Entenza | Hausman | Johnson, J. | Lenczewski | Nelson, M. |
| Davids | Erickson | Heiderken | Johnson, R. | Lesch | Nelson, P. |
Paulsen moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

**MOTION TO RECESS**

Paulsen moved that the House recess subject to the call of the Chair.

A roll call was requested and properly seconded.

The question was taken on the Paulsen motion and the roll was called.

Entenza moved that those not voting be excused from voting. The motion prevailed.

There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Newman</th>
<th>Penas</th>
<th>Powell</th>
<th>Seifert</th>
<th>Slawik</th>
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<td>Opatz</td>
<td>Peppin</td>
<td>Rukavina</td>
<td>Sertich</td>
<td>Soderstrom</td>
<td>Walker</td>
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<td>Otremba</td>
<td>Peterson, A.</td>
<td>Ruth</td>
<td>Severson</td>
<td>Solberg</td>
<td>Welti</td>
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<td>Paulsen</td>
<td>Peterson, N.</td>
<td>Ruud</td>
<td>Sieben</td>
<td>Sykora</td>
<td>Westerberg</td>
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<td>Paymar</td>
<td>Peterson, S.</td>
<td>Sailer</td>
<td>Simon</td>
<td>Tingelstad</td>
<td>Zellers</td>
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<td>Pelowski</td>
<td>Poppe</td>
<td>Scalze</td>
<td>Simpson</td>
<td>Udahl</td>
<td>Spk. Sviggum</td>
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</table>

Those who voted in the negative were:

| Anderson, I. | Erhardt | Jaros | Lieder | Paymar | Slawik |
| Atkins     | Fritz    | Johnon, R. | Lillie | Pelowski | Solberg |
| Bernardy  | Goodwin | Johnson, S. | Loeffler | Peterson, A. | Thao |
| Carlson   | Greiling | Juhnke | Mahoney | Mariani | Thussen |
| Clark     | Hansen | Kahl | Marquart | Rukavina | Tingelstad |
| Davnie   | Hausman | Kelliher | Moe | Ruiz | Wagenius |
| Dill      | Hilstrom | Koenen | Mullery | Ruud | Walker |
| Dittrich  | Hilty | Larson | Murphy | Sailer | Welti |
| Dorn      | Hornstein | Latz | Murphy | Sclaze |       |
| Eken      | Hortman | Lenczewski | Nelson, M. | Sertich |       |
| Ellison  | Hoch | Lesch | Opatz | Sieben |       |
| Entenza  | Huntley | Liebling | Otremba | Simon |       |

The motion did not prevail.
H. F. No. 2461, 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; authorizing issuance of trunk highway bonds; increasing tax on motor fuels; modifying vehicle registration tax; modifying law and proposing amendment to Minnesota Constitution to allocate proceeds of tax on sale of motor vehicles; allocating county state-aid highway funds; allocating portion of metropolitan sales tax revenue to transit fund; modifying provisions related to state mail, state highways and bridges, county state-aid highways, county wheelegale taxes, toll facilities, railroad grade crossings, traffic fine allocations, commercial motor vehicles, day activity center buses, other motor vehicles, state aviation, airport noise mitigation reporting, bridges in smaller cities, highway signs, various accounts, weight limits on highways and other traffic regulations, drivers’ licenses and permits, transit facilities and operations, gasoline sales, 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, park-and-ride lots, a restriction on ethanol requirements, deputy registrar positions in Carver and Hennepin Counties, and bicycle programs; requiring studies and reports; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 16B.49; 115A.908, subdivision 1; 160.87, by adding a subdivision; 161.14, by adding subdivisions; 161.361, subdivision 2; 162.06, subdivision 2; 162.07, subdivision 1, by adding subdivisions; 162.08, subdivision 3; 163.051; 168.011, subdivisions 3, 4, 5, 5a, 6, 7, 25, by adding subdivisions; 168.013, subdivisions 1a, 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; 168.27, subdivision 11; 168.31, subdivision 5; 168.33; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.29; 168A.31; 169.01, subdivisions 75, 76, 78; 169.09, subdivision 13; 169.18, subdivisions 4, 5, 11, as amended, if enacted; 169.448, by adding a subdivision; 169.71, subdivision 1; 169.81, subdivision 3c; 169.824, subdivision 2; 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; 171.06, subdivisions 2, 2a; 171.061, subdivision 4; 171.07, subdivision 11; 171.09; 171.12, subdivisions 3, 6; 171.13, subdivisions 1, 2, by adding a subdivision; 171.165, subdivisions 1, 2, 6; 171.18, subdivision 1; 171.20, subdivision 4; 171.26; 171.29, subdivision 2; 171.36; 174.03, by adding subdivisions; 174.50, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 192.502, subdivision 2; 197.65; 296A.08, subdivision 2; 297A.94; 297B.09, subdivision 1; 299D.03, subdivision 5; 469.015, subdivision 4; 473.446, subdivision 3; 473.4461; 473.604, subdivision 5; 473F.08, subdivision 3b; 609.855, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 169; 171; 174; 190; 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; 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, as amended, was placed upon its final passage.
The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler  Entenza  Hosch  Lesch  Opatz  Scalze  
Anderson, I.  Erhardt  Huntley  Liebling  Ozment  Sertich  
Atkins  Fritz  Jaros  Lieder  Paymar  Sieben  
Bernardy  Garofalo  Johnson, R.  Lillie  Pelowski  Simon  
Carlson  Goodwin  Johnson, S.  Loeffler  Peterson, A.  Slawik  
Clark  Greiling  Juhnke  Mahoney  Peterson, N.  Solberg  
Cox  Hansen  Kahn  Mariani  Peterson, S.  Thao  
Davnie  Hausman  Kelliher  McNamara  Poppe  Thissen  
Dill  Hilstrom  Koenen  Meslow  Rukavina  Tingelstad  
Dittrich  Hilty  Larson  Mullery  Ruud  Wagenius  
Dorn  Hornstein  Latz  Murphy  Sailer  Walker  
Ellison  Hortman  Lenczewski  Nelson, M.  Samuelson  Welti  

Those who voted in the negative were:

Abrams  DeLaForest  Hackbarth  Lanning  Peppin  Wardlow  
Beard  Demmer  Hamilton  Magnus  Powell  Westerberg  
Blaine  Dempsey  Heidgerken  Marquart  Ruth  Westrom  
Bradley  Dorman  Holberg  Moe  Seifert  Wilkin  
Brod  Eastlund  Hoppe  Nelson, P.  Severson  Zellers  
Buesgens  Eken  Howes  Newman  Simpson  Spk. Sviggum  
Charroen  Emmer  Johnson, J.  Nornes  Smith  
Cornish  Erickson  Klinzing  Olson  Soderstrom  
Cybart  Finstad  Knoblauch  Otremba  Sykora  
Davids  Gazelka  Kohls  Paulsen  Urda  
Dean  Gunther  Krinke  Penas  Vandeveer  

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

CALL OF THE HOUSE LIFTED

Paulsen moved that the call of the House be suspended. The motion prevailed and it was so ordered.

CALENDAR FOR THE DAY

Paulsen moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Rukavina moved that the names of Carlson, Lillie, Dorn and Johnson, R., be added as authors on H. F. No. 169. The motion prevailed.
Severson moved that the names of Carlson and Dorn be added as authors on H. F. No. 682. The motion prevailed.

Lenczewski moved that the name of Peterson, S., be added as an author on H. F. No. 705. The motion prevailed.

Abrams moved that the names of Dorn and Peterson, S., be added as authors on H. F. No. 711. The motion prevailed.

Abeler moved that the names of Paulsen, Carlson and Lillie be added as authors on H. F. No. 770. The motion prevailed.

Ruud moved that the names of Lillie and Dorn be added as authors on H. F. No. 780. The motion prevailed.

Vandeveer moved that the names of Carlson and Lillie be added as authors on H. F. No. 890. The motion prevailed.

Davids moved that the name of Bernardy be added as an author on H. F. No. 1314. The motion prevailed.

Cox moved that the name of Bernardy be added as an author on H. F. No. 1391. The motion prevailed.

Nelson, P., moved that the names of Dorn and Johnson, R., be added as authors on H. F. No. 1392. The motion prevailed.

Magnus moved that the name of Paulsen be added as an author on H. F. No. 1640. The motion prevailed.

Peterson, A., moved that the names of Latz and Simon be added as authors on H. F. No. 1798. The motion prevailed.

Simon moved that the names of Bernardy, Carlson and Dorn be added as authors on H. F. No. 1906. The motion prevailed.

Vandeveer moved that the name of Dorn be added as an author on H. F. No. 1908. The motion prevailed.

Lenczewski moved that the name of Peterson, S., be added as an author on H. F. No. 2130. The motion prevailed.

Krinkie moved that the name of Bernardy be added as an author on H. F. No. 2178. The motion prevailed.

Knoblach moved that the name of Peterson, S., be added as an author on H. F. No. 2361. The motion prevailed.

Urdahl moved that the name of Meslow be added as an author on H. F. No. 2492. The motion prevailed.

Peterson, A., moved that the name of Sailer be added as an author on H. F. No. 2506. The motion prevailed.

Mullery introduced:

House Resolution No. 18, A House resolution recognizing July 31 through August 14, 2005, as a time for PEACE Games in Minneapolis to end violence.

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

Paulsen moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, May 13, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Friday, May 13, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives