

## STATE OF MINNESOTA

## EIGHTY-THIRD SESSION — 2003

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 THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 13, 2003

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Brendan Prigge, Victory Lutheran Church, Eden Prairie, 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	Demmer	Hilty	Latz	Otremba	Stang
Abrams	Dempsey	Holberg	Lenczewski	Ozment	Strachan
Adolphson	Dill	Holsten	Lesch	Paulsen	Swenson
Anderson, B.	Dorman	Hoppe	Lieder	Paymar	Sykora
Anderson, I.	Dorn	Hornstein	Lindgren	Pelowski	Thao
Anderson, J.	Eastlund	Howes	Lindner	Penas	Thissen
Atkins	Eken	Huntley	Lipman	Peterson	Tingelstad
Beard	Ellison	Jacobson	Magnus	Pugh	Urdahl
Bernardy	Entenza	Jaros	Mahoney	Rhodes	Vandev eer
Biernat	Erhardt	Johnson, J.	Mariani	Rukavina	Wagenius
Blaine	Erickson	Johnson, S.	Marquart	Ruth	Walker
Borrell	Finstad	Juhnke	McNamara	Samuelson	Walz
Boudreau	Fuller	Kahn	Meslow	Seagren	Wardlow
Bradley	Gerlach	Kelliher	Mullery	Seifert	Wasiluk
Brod	Goodwin	Kielkucki	Murphy	Sertich	Westerberg
Buesgens	Greiling	Klinzing	Nelson, C.	Severson	Westrom
Carlson	Gunther	Knoblach	Nelson, M.	Sieben	Wilkin
Clark	Haas	Koenen	Nelson, P.	Simpson	Spk. Sviggum
Cornish	Hackbarth	Kohls	Nornes	Slawik	
Cox	Harder	Krinkie	Olsen, S.	Smith	
Davids	Hausman	Kuisle	Olson, M.	Soderstrom	
Davnie	Heidgerken	Lanning	Opatz	Solberg	
DeLaForest	Hilstrom	Larson	Osterman	Stanek	

A quorum was present.

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

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Paymar; Mariani; Johnson, S.; Thao and Entenza introduced:

H. F. No. 49, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for asset preservation of the Roy Wilkins Center in St. Paul.

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

Opatz introduced:

H. F. No. 50, A bill for an act relating to appropriations; authorizing state bonds; appropriating money for a grant for parks and trails to the St. Cloud area regional parks and trails coordinating board.

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

Davids and Anderson, J., introduced:

H. F. No. 51, A bill for an act relating to insurance; clarifying that certain laws include long-term care insurance; amending Minnesota Statutes 2002, sections 60A.06, subdivision 1; 61B.20, subdivision 10.

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

Davids introduced:

H. F. No. 52, A bill for an act relating to insurance; prohibiting insurers from charging membership fees or dues; amending Minnesota Statutes 2002, section 72A.20, by adding a subdivision.

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

Opatz introduced:

H. F. No. 53, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Northstar commuter rail system.

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

Slawik, Stanek, Davnie, Bernardy, Greiling, Goodwin, Atkins and Sykora introduced:

H. F. No. 54, A bill for an act relating to education; requiring a school district policy on student-on-student abuse; amending Minnesota Statutes 2002, section 121A.03, subdivisions 2, 3, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education Policy.

Mahoney; Gunther; Lesch; Davids; Entenza; Johnson, S.; Thao and Mariani introduced:

H. F. No. 55, A bill for an act relating to capital improvements; providing for a grant to the city of St. Paul to acquire land for and remediate contamination in the Phalen corridor; authorizing issuance of bonds; appropriating money.

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

Paymar introduced:

H. F. No. 56, A bill for an act relating to domestic abuse; modifying provisions relating to the admissibility of testimony; amending Minnesota Statutes 2002, section 518B.01, subdivision 15.

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

Borrell introduced:

H. F. No. 57, A bill for an act relating to liquor; authorizing five additional on-sale liquor licenses in St. Michael.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Severson introduced:

H. F. No. 58, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for municipal water and wastewater systems in St. Stephen.

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

Kahn, Greiling, Goodwin, Bernardy, Eken, Hausman and Paymar introduced:

H. F. No. 59, A bill for an act relating to elections; prohibiting independent expenditures by political parties on behalf of their own candidates as a condition of receiving a public subsidy; amending Minnesota Statutes 2002, sections 10A.25, by adding a subdivision; 10A.28, subdivision 1; 10A.31, subdivision 5; 10A.322, subdivision 4, by adding a subdivision; 290.06, subdivision 23.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Lipman introduced:

H. F. No. 60, A bill for an act relating to elections; changing certain absentee ballot provisions; amending Minnesota Statutes 2002, sections 203B.07, subdivision 2; 203B.08, subdivision 1; 203B.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Anderson, I.; Solberg; Rukavina; Lieder and Eken introduced:

H. F. No. 61, A bill for an act relating to the legislature; providing for the organization of the house of representatives in case of tie vote for a house officer; amending Minnesota Statutes 2002, section 3.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Anderson, I.; Juhnke; Solberg; Rukavina; Eken and Lieder introduced:

H. F. No. 62, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 23; providing for veto override sessions of the legislature.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Boudreau introduced:

H. F. No. 63, A bill for an act relating to retirement; general state employees retirement plan of the Minnesota state retirement system; authorizing a purchase of prior service credit for part-time employment.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Seifert, Pelowski and Kielkucki introduced:

H. F. No. 64, A bill for an act relating to state government; specifying certain contents for a statement of need and reasonableness for proposed administrative rules; amending Minnesota Statutes 2002, section 14.131.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kahn, Goodwin, Greiling, Hausman, Eken and Paymar introduced:

H. F. No. 65, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article V, sections 1, 2, 5; abolishing the office of lieutenant governor.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kahn, Mariani, Goodwin, Greiling, Eken, Bernardy, Hausman and Paymar introduced:

H. F. No. 66, A bill for an act relating to elections; providing an instant runoff for presidential, congressional, and statewide elections; permitting a municipal governing body to adopt the instant runoff for municipal offices; proposing coding for new law in Minnesota Statutes, chapter 204B.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kahn introduced:

H. F. No. 67, A bill for an act relating to elections; city elections; providing for the election of certain council members elected by ward after reapportionment; amending Minnesota Statutes 2002, section 205.84, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kahn introduced:

H. F. No. 68, A bill for an act relating to elections; authorizing a pilot project to register voters and conduct absentee voting by the Internet.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kahn and Rhodes introduced:

H. F. No. 69, A bill for an act relating to elections; requiring an affidavit of candidacy to include the candidate's residence address; providing for rejection of an affidavit that indicates the candidate does not live in the district from which election is sought; amending Minnesota Statutes 2002, section 204B.06, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kahn, Paymar and Rhodes introduced:

H. F. No. 70, A bill for an act relating to elections; providing that uncontested judicial offices must appear after all contested judicial offices on the canary ballot; amending Minnesota Statutes 2002, section 204D.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kahn, Mariani, Hausman and Davnie introduced:

H. F. No. 71, A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article VII, section 1; authorizing local units of government to permit permanent resident noncitizens to vote in local elections.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Dill introduced:

H. F. No. 72, A bill for an act relating to capital investments; authorizing land acquisition at Vermilion Community College; appropriating money.

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

Anderson, I., introduced:

H. F. No. 73, A bill for an act relating to counties; requiring each county to adopt an emergency management plan by January 2005; amending Minnesota Statutes 2002, section 12.25, subdivision 2.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

### **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 1, A Senate concurrent resolution relating to the adoption of Temporary Joint Rules.

PATRICK E. FLAHAVEN, Secretary of the Senate

## SUSPENSION OF RULES

Paulsen moved that the rules be so far suspended that Senate Concurrent Resolution No. 1 be now considered and be placed upon its adoption. The motion prevailed.

## SENATE CONCURRENT RESOLUTION NO. 1

A Senate concurrent resolution relating to the adoption of temporary joint rules.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring:

The Temporary Joint Rules of the Senate and the House of Representatives for the 82nd session are adopted as the Temporary Joint Rules for the 83rd session, to be effective until the adoption of Permanent Joint Rules by the Senate and the House of Representatives.

Paulsen moved that Senate Concurrent Resolution No. 1 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 1 was adopted.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 2, A Senate concurrent resolution relating to parking space in the capitol area for members of the Legislature and staff.

PATRICK E. FLAHAVEN, Secretary of the Senate

## SUSPENSION OF RULES

Paulsen moved that the rules be so far suspended that Senate Concurrent Resolution No. 2 be now considered and be placed upon its adoption. The motion prevailed.

## SENATE CONCURRENT RESOLUTION NO. 2

A Senate concurrent resolution relating to parking space in the capitol area for members of the Legislature and staff.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring:

The Commissioner of Administration shall reserve all parking space necessary on the Capitol grounds, Capitol Approach, and Aurora Avenue, in the State Office Building ramp, and elsewhere in the capitol area for the use of the members and staff of the Legislature for the 83rd session of the Legislature, allowing reasonable space for parking to the general public having business at the Capitol. The Committee on Rules and Administration of the Senate and the Committee on Rules and Legislative Administration of the House of Representatives may designate necessary personnel to work with the Commissioner of Administration in this matter.

The Secretary of the Senate and the Controller of the House of Representatives may deduct from the check of any legislator or legislative employee in each year of the 83rd session of the Legislature a sum adequate to cover the exercise of the parking privilege defined in this resolution in conformity with the practice of the Commissioner of Administration.

Paulsen moved that Senate Concurrent Resolution No. 2 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 2 was adopted.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 3, A Senate concurrent resolution relating to the adjournment of the Senate and House of Representatives on January 16, 2003.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### SUSPENSION OF RULES

Paulsen moved that the rules be so far suspended that Senate Concurrent Resolution No. 3 be now considered and be placed upon its adoption. The motion prevailed.

#### SENATE CONCURRENT RESOLUTION NO. 3

A Senate concurrent resolution relating to the adjournment of the Senate and House of Representatives on January 16, 2003.

*Be It Resolved*, by the Senate, the House of Representatives concurring, that upon adjournment on January 16, 2003, the Senate and House of Representatives may each adjourn for more than three days.

Paulsen moved that Senate Concurrent Resolution No. 3 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 3 was adopted.

#### MOTIONS AND RESOLUTIONS

Magnus moved that the name of Sykora be added as an author on H. F. No. 3. The motion prevailed.

Bradley moved that the names of Stang and Nornes be added as authors on H. F. No. 5. The motion prevailed.

Anderson, B., moved that the names of Harder, Magnus, Klinzing and Anderson, J., be added as authors on H. F. No. 6. The motion prevailed.

Stanek moved that the name of Davids be added as an author on H. F. No. 7. The motion prevailed.

Seifert moved that the names of Holberg and Fuller be added as authors on H. F. No. 8. The motion prevailed.

Lipman moved that the names of Severson and Knoblach be added as authors on H. F. No. 9. The motion prevailed.

Kuisle moved that the name of Holberg be added as an author on H. F. No. 18. The motion prevailed.

Erhardt moved that the names of Knoblach and Harder be added as authors on H. F. No. 24. The motion prevailed.

Anderson, J., moved that his name be stricken as an author on H. F. No. 29. The motion prevailed.

Bradley moved that the name of Kahn be added as an author on H. F. No. 29. The motion prevailed.

Lipman moved that the names of Adolphson, Severson, Holberg and Buesgens be added as authors on H. F. No. 30. The motion prevailed.

Kielkucki moved that the name of Olson, M., be added as an author on H. F. No. 34. The motion prevailed.

Beard moved that the name of Harder be added as an author on H. F. No. 37. The motion prevailed.

Haas moved that the name of Solberg be added as an author on H. F. No. 45. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

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

Agriculture and Rural Development Finance: Add the names of Dill and Westrom.

Education Finance: Add the name of Eken.

Education Policy: Delete the name of Nornes.

Ethics: Change the Vice Chair from Murphy to Pugh.

Local Government and Metropolitan Affairs: Delete the name of Swenson.

State Government Finance: Delete the name of Rukavina and add the name of Paymar.

Ways and Means: Delete the name of Eken and add the names of Erhardt, Lenczewski and Rukavina.

## ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, January 16, 2003. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, January 16, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives