

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

 EIGHTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 28, 2003

The House of Representatives convened at 2:30 p.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Meslow and Murphy were excused.

Pelowski was excused until 3:10 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Borrell 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:

Abeler, Paymar, Huntley, Bradley and Boudreau introduced:

H. F. No. 212, A bill for an act relating to professions; extending the expiration date of the acupuncture, respiratory care practitioner, licensed traditional midwifery, and health professionals services program advisory committees; amending Minnesota Statutes 2002, sections 147B.05, subdivision 2; 147C.35, subdivision 2; 147D.25, subdivision 2; 214.32, subdivision 1.

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

Blaine, Severson, Liedner, Ozment and Rukavina introduced:

H. F. No. 213, A bill for an act relating to local government; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; appropriating money; amending Minnesota Statutes 2002, sections 161.465; 366.011; 366.012.

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

Dempsey, Seagren, Hilty, Klinzing, Lindner, Sykora, Magnus, Rhodes, Nornes and Soderstrom introduced:

H. F. No. 214, A bill for an act relating to crime prevention; expanding the fourth-degree assault law; amending Minnesota Statutes 2002, section 609.2231, subdivision 3.

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

Dempsey, Swenson, Strachan, Juhnke, Erickson and Nornes introduced:

H. F. No. 215, A bill for an act relating to agriculture; exempting Minnesota-produced wine from the prohibition on the sale, possession, and consumption of liquor on the state fairgrounds; amending Minnesota Statutes 2002, section 37.21, subdivision 2.

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

Davnie, Wagenius, Thissen and Clark introduced:

H. F. No. 216, A bill for an act relating to traffic regulations; restricting authority of commissioner of transportation to increase the speed limit on a portion of marked trunk highway 55 in Minneapolis.

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

Vandever; Lenczewski; Jacobson; Penas; Johnson, J.; Klinzing; Samuelson; McNamara; Krinkie; Kielkucki and Walz introduced:

H. F. No. 217, A bill for an act relating to state government; providing four percent salary decreases for legislators and constitutional officers until June 30, 2005.

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

Ellison, Seagren, Greiling, Hornstein, Davnie, Mariani, Rhodes and Urdahl introduced:

H. F. No. 218, A bill for an act relating to education; providing for a pilot project for the independent review of parental involvement programs; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Erickson introduced:

H. F. No. 219, A bill for an act relating to education; encouraging retired teachers to serve as short-call substitute teachers; amending Minnesota Statutes 2002, section 122A.18, subdivision 7a.

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

Erickson introduced:

H. F. No. 220, A bill for an act relating to state government; designating English as the official language; proposing coding for new law in Minnesota Statutes, chapter 1.

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

Erickson introduced:

H. F. No. 221, A bill for an act relating to education finance; lowering the actual maximum effort capital loan tax rate for existing loans; making technical corrections to adjust the stated maximum effort capital loan tax rates to match the actual rates; amending Minnesota Statutes 2002, sections 126C.63, subdivision 8, by adding a subdivision; 126C.69, subdivisions 2 and 9.

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

Biernat, Greiling and Sviggum introduced:

H. F. No. 222, A bill for an act relating to lobbyists; prohibiting former legislators, constitutional officers, agency heads, and certain legislative employees from lobbying for legislative or administrative action for one year after leaving office; proposing coding for new law in Minnesota Statutes, chapter 10A.

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

Clark, Huntley, Abeler, Walker, Paymar, Goodwin and Mullery introduced:

H. F. No. 223, A bill for an act relating to health; allowing application for designation as an essential community provider; amending Minnesota Statutes 2002, section 62Q.19, subdivision 2.

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

Howes, Marquart, Urdahl, Stang and Juhnke introduced:

H. F. No. 224, A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for the wastewater infrastructure program.

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

Murphy, Huntley, Jaros, Hilty, Lanning and Marquart introduced:

H. F. No. 225, A bill for an act relating to capital investments; providing funding for dental clinics at Lake Superior Community College and Northwest Technical College; appropriating money.

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

Murphy, Huntley, Jaros and Hilty introduced:

H. F. No. 226, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for design of an addition to house student services, smart classrooms, and open labs at Lake Superior community and technical college.

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

Ellison; Thao; Hornstein; Mariani; Nelson, M., and Walker introduced:

H. F. No. 227, A bill for an act relating to elections; voter eligibility; restoring eligibility to vote to certain convicted felons who are not incarcerated; amending Minnesota Statutes 2002, sections 201.014, subdivision 2; 242.31, subdivision 1; 609.165, subdivisions 1, 1a, 1b.

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

Paulsen 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.

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

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. 74, A bill for an act relating to state government; appropriating money and reducing appropriations for educational, health, human services, corrections, economic development, transportation, public safety, environmental, natural resources, agricultural, and state government purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; providing for the payment of certain refunds; amending Minnesota Statutes 2002, sections 16A.17, by adding a subdivision; 16B.47; 16B.48, subdivision 2; 16B.49; 16C.08, subdivisions 2, 3; 16C.09; 16E.07, subdivision 9; 115A.908, subdivision 2; 116P.05, subdivision 2; 119B.011, by adding a subdivision; 119B.09, subdivisions 1, 2; 119B.12, subdivision 2; 124D.135, subdivision 8; 124D.16, subdivision 6; 124D.20, by adding subdivisions; 124D.52, subdivision 1; 124D.531, subdivisions 1, 5; 136F.77, subdivision 3; 252.27, subdivision 2a; 256.9657, subdivision 1; 256.969, subdivision 3a; 256B.056, subdivisions 1a, 4; 256B.057, subdivision 2; 256B.06, subdivisions 4, 5; 256B.0625, subdivision 13, by adding a subdivision; 256B.0635, subdivisions 1, 2; 256B.19, subdivision 1d; 256B.195, subdivision 4; 256B.32, subdivision 1; 256B.431, subdivision 23, by adding a subdivision; 256B.75; 256J.08, subdivision 85; 256J.11, subdivision 1; 256J.48, subdivision 1; 256J.52, subdivision 2; 256J.53, subdivision 1; 256L.07, subdivision 1; 256L.17, subdivision 2; 268.186; 289A.56, subdivision 4; 297A.75, subdivision 4; 297F.10, subdivision 1; 299A.42; 299A.44, subdivision 1; 299A.465, subdivisions 1, 4; Laws 1997, chapter 203, article 9, section 21, as amended; Laws 2001, First Special Session chapter 3, article 1, section 17, subdivision 11, as amended; Laws 2001, First Special Session chapter 8, article 4, section 11, as amended; Laws 2001, First Special Session chapter 9, article 2, section 31; Laws 2002, chapter 220, article 13, section 9, subdivision 2, as amended; repealing Minnesota Statutes 2002, sections 16B.50; 16C.07; 43A.047; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 256.973; 256B.056, subdivisions 1c, 3c; 256B.195, subdivision 5; 256D.053; 256J.11, subdivisions 2, 3; Laws 1999, chapter 205, article 1, section 63.

PATRICK E. FLAHAVEN, Secretary of the Senate

MOTION TO CONCUR

Solberg moved that the House concur in the Senate amendments to H. F. No. 74 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

Abrams 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.

The question recurred on the Solberg motion and the roll was called.

Pursuant to rule 2.05, the Speaker excused Eken from voting on the Solberg motion relating to H. F. No. 74.

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

There were 46 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Hornstein	Latz	Otremba	Solberg
Atkins	Ellison	Huntley	Lesch	Pelowski	Thao
Bernardy	Entenza	Jaros	Lieder	Peterson	Thissen
Biernat	Goodwin	Johnson, S.	Mahoney	Pugh	Wagenius
Carlson	Greiling	Juhnke	Mariani	Rukavina	Walker
Clark	Hausman	Kahn	Marquart	Sertich	Wasiluk
Davnie	Hilstrom	Kelliher	Mullery	Sieben	
Dill	Hilty	Koenen	Nelson, M.	Slawik	

Those who voted in the negative were:

Abeler	Davids	Heidgerken	Lenczewski	Paulsen	Swenson
Abrams	DeLaForest	Holberg	Lindgren	Paymar	Sykora
Adolphson	Dempsey	Hoppe	Lindner	Penas	Tingelstad
Anderson, B.	Dorman	Howes	Lipman	Rhodes	Urdahl
Anderson, J.	Eastlund	Jacobson	Magnus	Ruth	Vandever
Beard	Erhardt	Johnson, J.	McNamara	Samuelson	Walz
Blaine	Erickson	Kielkucki	Nelson, C.	Seagren	Wardlow
Borrell	Finstad	Klinzing	Nelson, P.	Seifert	Westerberg
Boudreau	Fuller	Knoblach	Nornes	Severson	Westrom
Bradley	Gerlach	Kohls	Olsen, S.	Simpson	Wilkin
Brod	Gunther	Krinkie	Olson, M.	Smith	Spk. Sviggum
Buesgens	Haas	Kuisle	Opatz	Soderstrom	
Cornish	Hackbarth	Lanning	Osterman	Stang	
Cox	Harder	Larson	Ozment	Strachan	

The motion did not prevail.

Knoblach moved that the House refuse to concur in the Senate amendments to H. F. No. 74, that the Speaker appoint a Conference Committee of 5 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.

A roll call was requested and properly seconded.

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

Pursuant to rule 2.05, the Speaker excused Eken from voting on the Knoblach motion relating to H. F. No. 74.

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

There were 77 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Hackbarth	Kuisle	Ozment	Strachan
Abrams	Davids	Harder	Lanning	Paulsen	Swenson
Adolphson	DeLaForest	Heidgerken	Lindgren	Penas	Sykora
Anderson, B.	Dempsey	Holberg	Lindner	Rhodes	Tingelstad
Anderson, J.	Dorman	Hoppe	Lipman	Ruth	Urdahl
Beard	Eastlund	Howes	Magnus	Samuelson	Vandever
Blaine	Erhardt	Jacobson	McNamara	Seagren	Walz
Borrell	Erickson	Johnson, J.	Nelson, C.	Seifert	Wardlow
Boudreau	Finstad	Kielkucki	Nelson, P.	Severson	Westerberg
Bradley	Fuller	Klinzing	Nornes	Simpson	Westrom
Brod	Gerlach	Knoblach	Olsen, S.	Smith	Wilkin
Buesgens	Gunther	Kohls	Olson, M.	Soderstrom	Spk. Sviggum
Cornish	Haas	Krinkie	Osterman	Stang	

Those who voted in the negative were:

Anderson, I.	Ellison	Jaros	Lesch	Paymar	Thao
Atkins	Entenza	Johnson, S.	Lieder	Pelowski	Thissen
Bernardy	Goodwin	Juhnke	Mahoney	Peterson	Wagenius
Biernat	Greiling	Kahn	Mariani	Pugh	Walker
Carlson	Hausman	Kelliher	Marquart	Rukavina	Wasiluk
Clark	Hilstrom	Koenen	Mullery	Sertich	
Davnie	Hilty	Larson	Nelson, M.	Sieben	
Dill	Hornstein	Latz	Opatz	Slawik	
Dorn	Huntley	Lenczewski	Otremba	Solberg	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Rukavina moved that the name of Sieben be added as an author on H. F. No. 102. The motion prevailed.

Carlson moved that the name of Davnie be added as an author on H. F. No. 127. The motion prevailed.

Greiling moved that the name of Davnie be added as an author on H. F. No. 128. The motion prevailed.

Greiling moved that the name of Davnie be added as an author on H. F. No. 133. The motion prevailed.

Smith moved that the name of Wilkin be added as an author on H. F. No. 158. The motion prevailed.

Seifert moved that the name of Wilkin be added as an author on H. F. No. 162. The motion prevailed.

Sykora moved that the name of Erickson be added as an author on H. F. No. 168. The motion prevailed.

Olsen, S., moved that the name of Dorman be added as an author on H. F. No. 184. The motion prevailed.

Juhnke moved that the name of Peterson be added as an author on H. F. No. 190. The motion prevailed.

Dill moved that his name be stricken as an author on H. F. No. 192. The motion prevailed.

Erickson moved that the name of Vandever be added as an author on H. F. No. 193. The motion prevailed.

Marquart moved that the name of Penas be added as an author on H. F. No. 197. The motion prevailed.

Marquart moved that the name of Lenczewski be added as an author on H. F. No. 198. The motion prevailed.

Anderson, I., moved that the names of Bradley and Nelson, C., be added as authors on H. F. No. 199. The motion prevailed.

Olsen, S., moved that the name of Tingelstad be added as an author on H. F. No. 202. The motion prevailed.

Seagren moved that the names of Beard; Johnson, J., and Cox be added as authors on H. F. No. 206. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 74:

Knoblach, Bradley, Kuisle, Ozment and Lenczewski.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, January 29, 2003. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, January 29, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

