

## STATE OF MINNESOTA

## EIGHTY-THIRD SESSION — 2003

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 NINETEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 24, 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 Father James Russell, St. Mary's Catholic Church, Lake City, 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	Opatz	Slawik
Abrams	Demmer	Hilstrom	Larson	Osterman	Smith
Adolphson	Dempsey	Hilty	Lenczewski	Otremba	Soderstrom
Anderson, B.	Dill	Holberg	Lesch	Otto	Solberg
Anderson, I.	Dorman	Hoppe	Lieder	Ozment	Stang
Anderson, J.	Dorn	Hornstein	Lindgren	Paulsen	Strachan
Atkins	Eastlund	Howes	Lindner	Paymar	Swenson
Beard	Eken	Huntley	Lipman	Pelowski	Sykora
Bernardy	Ellison	Jacobson	Magnus	Penas	Thao
Biernat	Entenza	Jaros	Mahoney	Peterson	Thissen
Blaine	Erhardt	Johnson, J.	Mariani	Powell	Tingelstad
Borrell	Erickson	Johnson, S.	Marquart	Pugh	Urdahl
Boudreau	Finstad	Juhnke	McNamara	Rhodes	Vandever
Bradley	Fuller	Kahn	Meslow	Rukavina	Wagenius
Brod	Gerlach	Kelliher	Mullery	Ruth	Walker
Buesgens	Goodwin	Kielkucki	Murphy	Samuelson	Walz
Carlson	Greiling	Klinzing	Nelson, C.	Seagren	Wardlow
Clark	Gunther	Knoblach	Nelson, M.	Seifert	Wasiluk
Cornish	Haas	Koenen	Nelson, P.	Sertich	Westerberg
Cox	Hackbarth	Kohls	Nornes	Severson	Westrom
Davids	Harder	Krinkie	Olsen, S.	Sieben	Wilkin
Davnie	Hausman	Kuisle	Olson, M.	Simpson	Spk. Sviggum

A quorum was present.

Latz was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Atkins 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. 112 and H. F. No. 166, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Thissen moved that the rules be so far suspended that S. F. No. 112 be substituted for H. F. No. 166 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 187 and H. F. No. 94, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Seifert moved that S. F. No. 187 be substituted for H. F. No. 94 and that the House File be indefinitely postponed. The motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 259, A bill for an act relating to drivers' licenses; removing sunset provisions to allow certain school buses to continue to be operated by licensed child care providers and by holders of Class D drivers' licenses under limited conditions; amending Laws 2001, chapter 97, section 5.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2002, section 169.448, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTIONS ON APPEARANCE; MISDEMEANOR.] (a) A bus that is not used as a school bus may not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow.

(b) A bus that is not used as a school bus or Head Start bus may not be operated if it is equipped with school bus or Head Start bus-related equipment and printing.

(c) A violation of this subdivision is a misdemeanor.

(d) This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus.

(e) This subdivision does not apply to a school bus operated by a licensed child care provider if:

(1) the stop arm is removed;

(2) the eight-light system is deactivated;

(3) the school bus is identified as a "child care bus" in letters at least eight inches high on the front and rear top of the bus; ~~and~~

(4) the name, address, and telephone number of the owner or operator of the bus is identified on each front door of the bus in letters not less than three inches high; ~~and~~

(5) the conditions under section 171.02, subdivision 2a, paragraph (b), clauses (1) through (9), (11), and (13), have been met.

**[EFFECTIVE DATE.]** This section is effective July 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 171.02, subdivision 2a, is amended to read:

Subd. 2a. [EXCEPTIONS.] (a) Notwithstanding subdivision 2, (1) a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and (2) a class C license or hazardous materials endorsement is not required to operate a farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 1,500 gallons of liquid fertilizer.

(b) Notwithstanding subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus endorsement, may operate a type A school bus described in subdivision 2, paragraph (b), under the following conditions:

(1) The operator is an employee of the entity that owns, leases, or contracts for the school bus and is not solely hired to provide transportation services under this paragraph.

(2) The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.

(3) The operator is prohibited from using the eight-light system. Violation of this clause is a misdemeanor.

(4) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

(i) safe operation of the type of school bus the operator will be driving;

(ii) understanding student behavior, including issues relating to students with disabilities;

(iii) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

(iv) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

(v) handling emergency situations; and

(vi) safe loading and unloading of students.

(5) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers; section 144.057 or 245A.04 for day care employees; or section 171.321, subdivision 3, for all other persons operating a type A school bus under this paragraph.

(6) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

(7) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

(8) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute or ordinance of another state is precluded from operating a school bus for five years from the date of conviction.

(9) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a school bus under this paragraph.

(10) A person who sustains a conviction, as defined under section 609.02, of a fourth moving offense in violation of chapter 169 is precluded from operating a school bus for one year from the date of the last conviction.

~~(11)~~ (11) Students riding the school bus must have training required under section 123B.90, subdivision 2.

~~(12)~~ (12) An operator must be trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses."

~~(13)~~ (13) Annual certification of the requirements listed in this paragraph must be maintained under separate file at the business location for each operator licensed under this paragraph and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the school bus operating under this paragraph is responsible for maintaining these files for inspection.

~~(14)~~ (14) The school bus must bear a current certificate of inspection issued under section 169.451.

~~(15)~~ (15) The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this paragraph."

Page 1, line 8, delete "Section 1." and insert "Sec. 3."

Amend the title as follows:

Page 1, line 6, after "amending" insert "Minnesota Statutes 2002, sections 169.448, subdivision 1; 171.02, subdivision 2a;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 314, A bill for an act relating to traffic regulations; allowing display of flashing blue lights to the front of emergency vehicles; amending Minnesota Statutes 2002, section 169.64, subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 327, A bill for an act relating to local government; shooting ranges; defining generally accepted operation practices; providing for relation to ordinances, closing and relocation, and nuisance liability; proposing coding for new law as Minnesota Statutes, chapter 87A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [87A.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 87A.01 to 87A.08.

Subd. 2. [PERSON.] "Person" means an individual, association, proprietorship, partnership, corporation, club, political subdivision, or other legal entity.

Subd. 3. [SHOOTING RANGE OR RANGE.] "Shooting range" or "range" means an area or facility designated or operated for the use of firearms as defined in section 97A.015, subdivision 19, or archery, and includes shooting preserves as described in section 97A.115 or any other Minnesota law.

Subd. 4. [GENERALLY ACCEPTED OPERATION PRACTICES.] "Generally accepted operation practices" means those voluntary guidelines adopted by the commissioner of natural resources under section 87A.02, paragraph (d), for the safe operation of shooting ranges.

Subd. 5. [UNIT OF GOVERNMENT.] "Unit of government" means a home rule charter or statutory city, county, town, municipal corporation, or other political subdivision, or any of their instrumentalities.

Sec. 2. [87A.02] [LOCAL ORDINANCES; EXISTING OPERATIONS.]

(a) A shooting range that is in operation and is in material compliance with existing law at the time of the enactment of an ordinance of a unit of government affecting, directly or indirectly, operation or use of a shooting range must be permitted to continue in operation even if the operation of the shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance.

(b) A shooting range that operates in material compliance with generally accepted operation practices, even if not in compliance with an ordinance of a unit of government affecting, directly or indirectly, operation or use of a shooting range, must be permitted to do all of the following within its geographic boundaries if done in accordance with generally accepted operation practices:

(1) repair, remodel, improve, replace, construct, or reinforce any conforming or nonconforming building or structure as may be necessary or desirable in the interest of safety or to secure the continued use of the range, building, or structure;

(2) reconstruct, repair, restore, remodel, improve, replace, or resume the use of any conforming or nonconforming building or structure damaged by fire, collapse, erosion, wear and tear, obsolescence, explosion, act of God, or act of war; and

(3) do anything not prohibited by generally accepted operation practices, including:

(i) expand or increase its membership or opportunities for public participation;

(ii) make those repairs or improvements necessary or desirable under generally accepted operation practices;

(iii) expand or increase events, facilities, and activities; and

(iv) conduct shooting activities and discharge firearms during the daytime, as defined in Minnesota Rules, part 7030.0200, subpart 3, in effect on March 1, 1999.

(c) Nothing in sections 87A.01 to 87A.08 exempts any newly constructed or remodeled building on a shooting range from compliance with fire safety, handicapped accessibility, elevator safety, bleacher safety, or other provisions of the State Building Code that have mandatory statewide application.

(d) In developing generally accepted operation practices, the commissioner of natural resources shall consult with range operators and any consultants the range operators provide. The guidelines shall provide for operation of shooting preserves within their boundaries notwithstanding any discharge distance limitations provided by rule or otherwise concerning hunting on other land. The generally accepted operation practices shall be reviewed at least every five years by the commissioner and revised as the commissioner considers necessary for safe operation of a shooting range. The commissioner shall adopt initial guidelines by July 1, 2003.

Sec. 3. [87A.03] [CLOSING OR RELOCATING SHOOTING RANGES; PAYMENT OF CERTAIN COSTS.]

Subdivision 1. [CLOSURE OR RELOCATION CRITERIA.] A shooting range may be closed under subdivision 3, or relocated under subdivision 4, by a state agency or unit of government only if, because of new, permitted development of adjacent land, the range becomes a clear, immediate, and proven safety hazard to the adjacent population and it cannot be brought into material compliance with generally accepted operation practices with range or operation improvements.

Subd. 2. [PROCEDURE.] The clear and immediate safety hazard must be proven at a contested case hearing. The hearing must be held after the commissioner of natural resources provides notice to the owner and operator of the shooting range that includes a clear and precise statement of the factual basis for alleging a safety hazard. The owner and operator of the shooting range must be given an opportunity to be heard and meet the allegation. The commissioner must make written findings and conclusions as to the hazard and whether range improvements can bring the range into material compliance with the generally accepted operation practices. If the commissioner concludes that there is a clear and immediate safety hazard and the operation of the shooting range can be brought into material compliance with the generally accepted operation practices with range or operation improvements, the state agency or unit of government that permitted the development must pay for the range or operation improvements.

Subd. 3. [CLOSURE.] If a clear and immediate safety hazard is proven as required under subdivisions 1 and 2, a shooting range may be closed by the state agency or the unit of government if the agency or unit of government closing the shooting range pays the fair market value of the range operation as a going concern to the operators and the fair market value of the land, including improvements, to the owner of the land.

Subd. 4. [RELOCATION.] Upon request by the operator of the shooting range, the agency or unit of government must relocate the shooting range to a suitable new location if available. The agency or unit of government may use its power of eminent domain to acquire the new location.

Subd. 5. [TRANSFER OF TITLE.] The shooting range owner and operator shall transfer their interests in the property to the agency or unit of government after full and final payment under subdivision 3 or after the relocation is completed under subdivision 4.

Sec. 4. [87A.04] [PREEXISTING OUTDOOR SHOOTING RANGES; NOISE BUFFERING OR ATTENUATION.]

(a) If a shooting range is operated in material compliance with generally accepted operation practices and if property located within one mile of the exterior property boundary of the range is rezoned for residential use or any other use, the zoning authority must provide for noise buffers, attenuation devices, safety improvements, or equivalent measures that are:

(1) within the new development as a condition for developing the property or as supplied by the zoning authority; or

(2) supplied or funded by the zoning authority for location in the range.

(b) Property owners, developers, zoning authorities, and ranges may negotiate and provide for noise buffers or attenuation devices located on or off the range.

(c) Any noise buffering or attenuation under this section must comply with the noise standards prescribed by section 87A.06.

Sec. 5. [87A.05] [IRREBUTTABLE PRESUMPTION; NUISANCE LIABILITY.]

In all relevant actions, there shall exist an irrebuttable presumption that a shooting range that is conducted in material compliance with generally accepted operation practices is not a public or private nuisance and does not otherwise invade or interfere with the use and enjoyment of any other land or property.

Sec. 6. [87A.06] [SHOOTING RANGES; NOISE STANDARDS.]

Subdivision 1. [NOISE STANDARDS.] (a) A person who owns or operates or uses a shooting range in this state is subject only to the noise standards and procedures in Minnesota Rules, parts 7030.0010 to 7030.0080, in effect on March 1, 1999. The noise area classifications shall be utilized as well as the provisions for daytime and nighttime standards within those classifications. The steady state noise L10 and L50 standards for each period of the day or night within each noise area classification shall be replaced by a single Leq(h) standard for impulsive noise that is two dBA lower than that of the L10 level for steady state noise.

(b) This section and the standards in paragraph (a) shall be applied in the same manner as a generally accepted operation practice for all of the provisions of this chapter.

Subd. 2. [ACTIONS BASED ON NOISE.] Any action brought against a range on the basis of noise, nuisance, or disturbance by impulsive noise from a shooting range shall be dismissed unless such action is initially supported by affidavit of a qualified or licensed noise consultant stating that noise measurements were taken by proper instruments, which were calibrated properly, and according to the procedures and standards in Minnesota Rules, parts 7030.0010 to 7030.0080. Upon the dismissal of any actions brought using noise as a basis, in whole or in part, or upon a finding by the court that any such action is unsupported, the court must award the defendant range or person its reasonable attorney fees and expert costs, in addition to its costs and disbursements.

Sec. 7. [87A.07] [NUISANCE ACTIONS; SUBSTANTIAL COMPLIANCE WITH GENERALLY ACCEPTED OPERATION PRACTICES.]

A person who owns, operates, or uses a shooting range in this state that is in material compliance with generally accepted operation practices is not subject to any action for nuisance and no court of this state may enjoin or restrain the use or operation of such a range. This section does not prohibit an action for personal injury caused by recklessness or negligence in the operation of the range or by a person using the range in a reckless or negligent manner.

Sec. 8. [87A.08] [PUBLIC ACCESS TO SHOOTING RANGES.]

Shooting ranges maintained or operated, in whole or in part, with public funds must be reasonably available for public use. A reasonable fee in an amount not to exceed the actual additional direct costs caused by public use may be charged.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to local government; shooting ranges; defining generally accepted operation practices; providing for relation to ordinances, closing and relocation, noise standards, public access, and nuisance liability; proposing coding for new law as Minnesota Statutes, chapter 87A."

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

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 348, A bill for an act relating to education; extending the time period during which type III vehicles may be used to transport school children; amending Minnesota Statutes 2002, section 169.454, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 259, 314 and 348 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 112 and 187 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Gerlach, Davids, Juhnke, Rukavina and Sviggum introduced:

H. F. No. 561, A bill for an act relating to commerce; requiring uniform mandatory penalties against license holders and a licensee's employees for sales to minors; providing for mitigating circumstances in assessing penalties; requiring administrative penalties for failure to electronically verify the age of persons purchasing tobacco; requiring

electronic age verification for each sale of tobacco; providing for the purchase of electronic age verification devices; amending Minnesota Statutes 2002, sections 461.12, subdivisions 2, 6; 461.19; proposing coding for new law in Minnesota Statutes, chapter 461.

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

Blaine introduced:

H. F. No. 562, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to the city of Little Falls for environmental cleanup of the Hennepin Paper Company property.

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

Rukavina, Dill, Sertich and Solberg introduced:

H. F. No. 563, A bill for an act relating to taxation; changing rate and computation of the mining occupation tax; delaying implementation of taconite production tax inflation adjustment; amending Minnesota Statutes 2002, sections 298.01, subdivisions 3, 4; 298.24, subdivision 1; repealing Minnesota Statutes 2002, section 298.01, subdivisions 3c, 3d, 4d, 4e.

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

Borrell introduced:

H. F. No. 564, A bill for an act relating to the open meeting law; establishing an administrative remedy for violations of the law; prescribing civil penalties; amending Minnesota Statutes 2002, section 13D.06, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 13D.

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

Borrell introduced:

H. F. No. 565, A bill for an act relating to government data practices; providing for administrative remedies; proposing coding for new law in Minnesota Statutes, chapter 13.

The bill was read for the first time and referred to the Committee on Civil Law.

Howes and Walz introduced:

H. F. No. 566, A bill for an act relating to game and fish; providing a licensing exemption to supply turtles for nonprofit turtle racing; amending Minnesota Statutes 2002, section 97C.605, subdivision 2c.

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

Marquart introduced:

H. F. No. 567, A bill for an act relating to the city of Detroit Lakes; authorizing pooling of tax increments to meet certain debt service obligations of a tax increment financing district.

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

Marquart introduced:

H. F. No. 568, A bill for an act relating to water; appropriating money for water management in the Red river basin.

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

Holberg, Atkins, Gerlach and Wardlow introduced:

H. F. No. 569, A bill for an act relating to highways; appropriating money and authorizing issuance of trunk highway bonds for an interchange at I-35 and county state-aid highway 50.

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

Gerlach, Wilkin, Atkins, Holberg and Wardlow introduced:

H. F. No. 570, A bill for an act relating to transportation; appropriating money and authorizing issuance of state bonds for Cedar Avenue bus transit way.

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

Marquart introduced:

H. F. No. 571, A bill for an act relating to drivers' licenses; modifying conditions for operating motor vehicle under a restricted farm work license; amending Minnesota Statutes 2002, section 171.041.

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

Samuelson, Abeler, Paymar, Bradley, Walker, Wilkin, Powell, Nornes, Finstad, Boudreau, Jacobson, Vandever, Soderstrom, Sykora, Penas, Otremba and Gerlach introduced:

H. F. No. 572, A bill for an act relating to human services; expanding adult foster care license capacity; amending Minnesota Statutes 2002, section 245A.11, subdivision 2a.

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

Blaine introduced:

H. F. No. 573, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Crow Wing county.

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

Latz, Rhodes, Erhardt, Lenczewski and Seagren introduced:

H. F. No. 574, A bill for an act relating to highways; authorizing state trunk highway bonds for reconstruction and expansion of marked trunk highway 100 in St. Louis Park; appropriating money.

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

Gerlach; Rhodes; Erickson; Soderstrom; Davids; Holberg; Kuisle; Seifert; Strachan; Lipman; Howes; Haas; Boudreau; Cornish; Olsen, S.; Wilkin; Lesch; Knobloch; Solberg; Thissen; Samuelson; Jacobson; Severson; DeLaForest; Kielkucki; Adolphson and Kohls introduced:

H. F. No. 575, A bill for an act relating to state government; putting a limit on the amount to be spent on art in state-financed buildings; amending Minnesota Statutes 2002, section 16B.35, subdivision 1.

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

Wasiluk introduced:

H. F. No. 576, A bill for an act relating to retirement; teachers retirement association; extending the 1984 "rule of 85" early retirement incentive to certain 1983 retirees.

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

Juhnke; Anderson, I.; Howes; Rukavina and Otremba introduced:

H. F. No. 577, A bill for an act relating to state government; prohibiting the assignment of a state vehicle to the governor's staff, commissioners, and deputy and assistant commissioners; amending Minnesota Statutes 2002, section 16B.55, subdivision 2.

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

Brod, Urdahl and Anderson, B., introduced:

H. F. No. 578, A bill for an act relating to local government; extending a grant contract with the city of Arlington.

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

Juhnke introduced:

H. F. No. 579, A bill for an act relating to game and fish; allowing extended deer hunting period for certain sick minors; amending Minnesota Statutes 2002, section 97B.301, by adding a subdivision.

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

Erickson, Buesgens, Soderstrom, Eastlund and Brod introduced:

H. F. No. 580, A bill for an act relating to education; providing for curriculum and instruction premised on abstinence until marriage; amending Minnesota Statutes 2002, section 121A.23, by adding a subdivision.

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

Sykora; Seagren; Johnson, J.; Erhardt; Greiling and Mariani introduced:

H. F. No. 581, A bill for an act relating to education finance; creating an education price index; adjusting the general education formula allowance; appropriating money; amending Minnesota Statutes 2002, sections 126C.05, by adding a subdivision; 126C.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 126C.

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

Olson, M.; Marquart; Howes; Hackbarth; Tingelstad; Walz and Fuller introduced:

H. F. No. 582, A bill for an act relating to lake improvement districts; changing the percent of property owners necessary to petition for creation and termination of a district and for holding a referendum on creation; amending Minnesota Statutes 2002, sections 103B.521, subdivision 1; 103B.545, subdivision 1; 103B.581, subdivision 1.

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

Nornes, Lanning and Heidgerken introduced:

H. F. No. 583, A bill for an act relating to higher education; raising the statutory debt limit for the higher education facility's authority; amending Minnesota Statutes 2002, section 136A.29, subdivision 9.

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

Opatz introduced:

H. F. No. 584, A bill for an act relating to education; allowing tenth grade students to participate in the post-secondary enrollment options program; amending Minnesota Statutes 2002, section 124D.09, subdivisions 4, 5, 7, 8, 9.

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

Nornes, Severson and Simpson introduced:

H. F. No. 585, A bill for an act relating to auditing; allowing certified public accountants to perform annual audits for county nursing homes; amending Minnesota Statutes 2002, section 6.552.

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

Hilstrom and Olsen, S., introduced:

H. F. No. 586, A bill for an act relating to capital improvements; authorizing the issuance of trunk highway bonds; appropriating money for the preparation of plans and specifications for expansion of marked trunk highway 252 between marked trunk highway 610 and I-94 in Hennepin county.

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

Urdahl; Seifert; Heidgerken; Marquart; Juhnke; Wardlow; Finstad; Dill; Peterson; Koenen; Eken; Lieder; Dorman; Lindgren; Westrom; Anderson, J.; Blaine; Simpson; Harder; Swenson; Strachan; Solberg; Nornes; Fuller and Demmer introduced:

H. F. No. 587, A bill for an act relating to taxation; income; providing for economic growth in rural counties of the state by allowing a credit against the income tax of an employer for the creation and retention of certain jobs; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Brod, Cox, Cornish and Beard introduced:

H. F. No. 588, A bill for an act relating to local government; specifying that a township has the authority to require a natural gas utility to obtain a franchise from the township; amending Minnesota Statutes 2002, section 300.03.

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

Haas; Olsen, S.; Hilstrom and Tingelstad introduced:

H. F. No. 589, A bill for an act relating to education; encouraging pupil transportation for elementary pupils living more than one mile from school; amending Minnesota Statutes 2002, section 123B.88, subdivision 1, by adding a subdivision.

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

Haas; Sykora; Boudreau; Olsen, S.; Slawik; Brod; Nelson, C.; Blaine; Wilkin; Gunther; Westrom; Tingelstad; Eastlund and Nornes introduced:

H. F. No. 590, A bill for an act relating to child care assistance; preventing fraud; amending Minnesota Statutes 2002, sections 119B.011, subdivisions 19, 21, adding a subdivision; 119B.09, by adding a subdivision; 119B.11, subdivision 2a; 119B.13, subdivision 6; 119B.16, subdivision 2, adding subdivisions; 256.046, subdivision 1; 256.0471, subdivision 1; 256.98, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 119B.

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

Sykora, Erhardt, Seagren, Paulsen, Wardlow and Samuelson introduced:

H. F. No. 591, A bill for an act relating to taxation; allowing an age-based exclusion for long-term capital gains; amending Minnesota Statutes 2002, sections 290.01, subdivision 19b; 290.091, subdivision 2.

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

Vandever, Samuelson, Boudreau and Paymar introduced:

H. F. No. 592, A bill for an act relating to human services; modifying an adult foster care licensing provision; amending Minnesota Statutes 2002, sections 245A.11, subdivision 2b.

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

Lenczewski and Abrams introduced:

H. F. No. 593, A bill for an act relating to state property tax aids; modifying the definition of tax base for computing local government aid; including tax increment financing captured tax capacity; amending Minnesota Statutes 2002, section 477A.011, subdivision 20.

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

Lenczewski introduced:

H. F. No. 594, A bill for an act relating to health; requiring the commissioner of health to study and present recommendations on access to and the regulation of liquid oxygen.

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

Abeler, Dorn and Boudreau introduced:

H. F. No. 595, A bill for an act relating to human services; appropriating money for supportive housing and managed care.

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

Westrom, Meslow, Holberg, DeLaForest, Wasiluk and Haas introduced:

H. F. No. 596, A bill for an act relating to animals; making it a crime to harm a service animal; providing for restitution; prescribing penalties; amending Minnesota Statutes 2002, sections 343.21, subdivision 9; 609.52; proposing coding for new law in Minnesota Statutes, chapter 343.

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

Huntley, Jaros and Murphy introduced:

H. F. No. 597, A bill for an act relating to the city of Duluth; providing for an economic development tax increment financing district of the Duluth economic development authority.

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

Jaros, Murphy and Huntley introduced:

H. F. No. 598, A bill for an act relating to sales and use tax; providing an exemption for an aircraft repair facility; amending Minnesota Statutes 2002, section 297A.71, subdivision 10.

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

Huntley, Jaros and Murphy introduced:

H. F. No. 599, A bill for an act relating to the city of Duluth; specifying the use of certain proceeds of taxes on receipts by restaurants, hotels, and motels; amending Laws 1980, chapter 511, section 1, subdivision 2, as amended; Laws 1980, chapter 511, section 2, as amended.

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

Marquart, Penas and Lieder introduced:

H. F. No. 600, A bill for an act relating to education finance; making referendum tax base replacement aid permanent; amending Minnesota Statutes 2002, section 126C.17, subdivision 7a.

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

Peterson, Urdahl, Koenen, Juhnke and Heidgerken introduced:

H. F. No. 601, A bill for an act relating to appropriations; appropriating money for the pilot marketing program of the West Central Growth Alliance.

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

Erickson, Walz, Abeler and Lenczewski introduced:

H. F. No. 602, A bill for an act relating to insurance; regulating auto glass repair and replacement; amending Minnesota Statutes 2002, sections 72A.201, subdivision 6, by adding a subdivision; 325F.783.

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

Kielkucki and Buesgens introduced:

H. F. No. 603, A bill for an act relating to education; establishing enrollment options for students at low-performing schools; 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.

Olson, M.; Abeler; Hackbarth and Anderson, B., introduced:

H. F. No. 604, A bill for an act relating to highways; authorizing issuance of \$5,000,000 in state trunk highway bonds for design for the reconstruction of a segment of marked trunk highway 10; appropriating money.

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

Olson, M.; Rhodes; Ozment and Anderson, B., introduced:

H. F. No. 605, A bill for an act relating to natural resources; modifying state park fees; requiring state park campsites to remain open in peak months; permitting incremental fee increases; requiring a report; amending Minnesota Statutes 2002, section 85.055, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 85.

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

Smith; Boudreau; Pugh; Abeler; Otremba; Vandever; Walz; Lindner; Osterman; Mullery; Gerlach; Sykora; Anderson, B.; Soderstrom; Hackbarth; Dorman; Opatz; Solberg; Dempsey and Nornes introduced:

H. F. No. 606, A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; modifying provisions for payment of claims; regulating utilization profiling; requiring certain disclosures; amending Minnesota Statutes 2002, sections 62M.07; 62Q.74; 62Q.75, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2002, section 62Q.745.

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

Huntley, Jaros and Murphy introduced:

H. F. No. 607, A bill for an act relating to the city of Duluth; authorizing the expenditure of certain tax increments.

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

Solberg and Anderson, I., introduced:

H. F. No. 608, A bill for an act relating to taxation; exempting from the sales tax certain materials, supplies, and equipment for certain hospitals and clinics; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

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

### CONSENT CALENDAR

H. F. No. 264 was reported to the House.

Biernat moved that H. F. No. 264 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 267, A bill for an act relating to insurance; modifying the standard fire insurance policy; amending Minnesota Statutes 2002, section 65A.01, subdivision 3.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Swenson	Thissen	Vandev eer	Walz	Westerberg	Spk. Sviggum
Sykora	Tingelstad	Wagenius	Wardlow	Westrom	
Thao	Urdahl	Walker	Wasiluk	Wilkin	

The bill was passed and its title agreed to.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bill to be placed on the Calendar for the Day for Monday, February 24, 2003:

H. F. No. 75.

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.

#### CALENDAR FOR THE DAY

The Speaker called Abrams to the Chair.

H. F. No. 75, A bill for an act relating to civil action; regulating the apportionment of joint and several liability; amending Minnesota Statutes 2002, section 604.02, subdivision 1.

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 81 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Adolphson	Cornish	Finstad	Jacobson	Lenczewski	Nornes
Anderson, B.	Cox	Fuller	Johnson, J.	Lindgren	Olsen, S.
Anderson, J.	Dauids	Gerlach	Kielkucki	Lindner	Olson, M.
Beard	DeLaForest	Gunther	Klinzing	Lipman	Opatz
Blaine	Demmer	Haas	Knoblach	Magnus	Osterman
Borrell	Dempsey	Hackbarth	Kohls	Marquart	Otremba
Boudreau	Dorman	Harder	Krinkie	McNamara	Ozment
Bradley	Eastlund	Heidgerken	Kuisle	Meslow	Paulsen
Brod	Erhardt	Holberg	Lanning	Nelson, C.	Penas
Buesgens	Erickson	Hoppe	Larson	Nelson, P.	Powell

Ruth	Severson	Strachan	Tingelstad	Wardlow	Spk. Sviggum
Samuelson	Simpson	Swenson	Urdahl	Westerberg	
Seagren	Soderstrom	Sykora	Vanderveer	Westrom	
Seifert	Stang	Thissen	Walz	Wilkin	

Those who voted in the negative were:

Abeler	Dill	Hilty	Koenen	Paymar	Smith
Abrams	Dorn	Hornstein	Lesch	Pelowski	Solberg
Anderson, I.	Eken	Howes	Lieder	Peterson	Thao
Atkins	Ellison	Huntley	Mahoney	Pugh	Wagenius
Bernardy	Entenza	Jaros	Mariani	Rhodes	Walker
Biernat	Goodwin	Johnson, S.	Mullery	Rukavina	Wasiluk
Carlson	Greiling	Juhnke	Murphy	Sertich	
Clark	Hausman	Kahn	Nelson, M.	Sieben	
Davnie	Hilstrom	Kelliher	Otto	Slawik	

The bill was passed and its title agreed to.

### MOTIONS AND RESOLUTIONS

Abeler moved that the names of Peterson and Fuller be added as authors on H. F. No. 82. The motion prevailed.

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

Finstad moved that the name of Peterson be added as an author on H. F. No. 266. The motion prevailed.

Beard moved that the name of Osterman be added as an author on H. F. No. 282. The motion prevailed.

Latz moved that the name of Holberg be added as chief author on H. F. No. 311. The motion prevailed.

Smith moved that the names of Lesch, Howes and Thissen be added as authors on H. F. No. 323. The motion prevailed.

Boudreau moved that the names of Blaine; Borrell; Brod; Cox; DeLaForest; Dorman; Erhardt; Gerlach; Klinzing; Kohls; Krinkie; Lieder; Magnus; McNamara; Nelson, C.; Nelson, P.; Otremba; Paulsen; Penas; Powell; Severson; Smith; Dempsey; Howes; Nornes; Swenson; Vanderveer and Westerberg be added as authors on H. F. No. 411. The motion prevailed.

Meslow moved that the name of Abeler be added as an author on H. F. No. 431. The motion prevailed.

Bradley moved that the name of Abeler be added as an author on H. F. No. 437. The motion prevailed.

Urdahl moved that the name of Abeler be added as an author on H. F. No. 439. The motion prevailed.

Tingelstad moved that the name of Rhodes be added as an author on H. F. No. 462. The motion prevailed.

Ellison moved that the name of Walker be added as an author on H. F. No. 479. The motion prevailed.

Hilstrom moved that the name of Dorn be added as an author on H. F. No. 485. The motion prevailed.

Samuelson moved that the name of Harder be added as an author on H. F. No. 491. The motion prevailed.

Johnson, J., moved that the names of Holberg and Seagren be added as authors on H. F. No. 495. The motion prevailed.

Meslow moved that the name of Cox be added as an author on H. F. No. 499. The motion prevailed.

Tingelstad moved that the names of Abeler, Holberg, Sieben, Cox and Larson be added as authors on H. F. No. 510. The motion prevailed.

Otremba moved that the name of Wilkin be added as an author on H. F. No. 516. The motion prevailed.

Demmer moved that the name of Brod be added as an author on H. F. No. 517. The motion prevailed.

Howes moved that the name of Penas be added as an author on H. F. No. 532. The motion prevailed.

Krinkie moved that the name of Holberg be added as an author on H. F. No. 555. The motion prevailed.

Abeler moved that the name of Westerberg be added as an author on H. F. No. 558. The motion prevailed.

Dill moved that H. F. No. 312 be recalled from the Committee on Taxes and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Hackbarth moved that H. F. No. 359 be recalled from the Committee on Environment and Natural Resources Policy and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Adolphson moved that H. F. No. 506 be returned to its author. The motion prevailed.

#### ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, February 27, 2003. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 3:00 p.m., Thursday, February 27, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives