

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

 EIGHTY-NINTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 12, 2004

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

A quorum was present.

Anderson, B.; Gunther; Lindgren; Penas and Seagren were excused.

Bernardy and Davnie were excused until 3:25 p.m. Thao was excused until 4:00 p.m.

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

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2004 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2004</i>	<i>Date Filed 2004</i>
1958		152	10:40 a.m. April 6	April 6
1621		153	10:45 a.m. April 6	April 6

Sincerely,

MARY KIFFMEYER
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

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<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2004</i>	<i>Date Filed 2004</i>
1653		154	1:40 p.m. April 8	April 8

Sincerely,

MARY KIFFMEYER
Secretary of State

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Johnson, J., introduced:

H. F. No. 3171, A bill for an act relating to game and fish; permitting the use of scopes by visually impaired hunters for taking deer during the muzzleloader season; providing criminal penalties; amending Minnesota Statutes 2002, section 97B.031, by adding a subdivision.

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

CALENDAR FOR THE DAY

S. F. No. 1614, A bill for an act relating to animals; criminalizing certain harm caused to a service animal by a dog; requiring restitution; clarifying civil liability; imposing a criminal penalty; amending Minnesota Statutes 2002, section 609.226, subdivision 3, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Borrell	Davids	Ellison	Haas	Hornstein
Abrams	Boudreau	DeLaForest	Entenza	Hackbarth	Howes
Adolphson	Bradley	Demmer	Erhardt	Harder	Huntley
Anderson, I.	Brod	Dempsey	Erickson	Hausman	Jacobson
Anderson, J.	Buesgens	Dill	Finstad	Heidgerken	Jaros
Atkins	Carlson	Dorman	Fuller	Hilstrom	Johnson, J.
Beard	Clark	Dorn	Gerlach	Hilty	Johnson, S.
Biernat	Cornish	Eastlund	Goodwin	Holberg	Juhnke
Blaine	Cox	Eken	Greiling	Hoppe	Kahn

Kelliher	Lieder	Nelson, M.	Paymar	Sieben	Urdahl
Klinzing	Lindner	Nelson, P.	Pelowski	Simpson	Vandever
Knoblach	Lipman	Newman	Peterson	Slawik	Wagenius
Koenen	Magnus	Nornes	Powell	Smith	Walker
Kohls	Mahoney	Olsen, S.	Pugh	Soderstrom	Walz
Krinkie	Mariani	Olson, M.	Rhodes	Solberg	Wardlow
Kuisle	Marquart	Opatz	Rukavina	Stang	Wasiluk
Lanning	McNamara	Osterman	Ruth	Strachan	Westerberg
Larson	Meslow	Otremba	Samuelson	Swenson	Westrom
Latz	Mullery	Otto	Seifert	Sykora	Wilkin
Lenczewski	Murphy	Ozment	Sertich	Thissen	Zellers
Lesch	Nelson, C.	Paulsen	Severson	Tingelstad	Spk. Sviggum

The bill was passed and its title agreed to.

H. F. No. 1828, A bill for an act relating to the Minnesota family investment program; adding county adoption assistance payments up to amount equal to state adoption assistance payments to income exclusions for purposes of MFIP-S eligibility; amending Minnesota Statutes 2003 Supplement, section 256J.21, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2378 was reported to the House.

Rukavina moved to amend H. F. No. 2378 as follows:

Page 3, after line 27, insert:

"Sec. 3. [EXTENSION OF CITY OF HOYT LAKES ZONING AND SUBDIVISION REGULATIONS.]

(a) Notwithstanding the limitations of Minnesota Statutes, sections 462.357 and 462.358, the city of Hoyt Lakes, with the consent of the town of White, may extend its zoning and subdivision regulations to the area legally described as: East 1/2 of Section 12, Township 58 North, Range 15 West.

(b) Upon consent given by the town of White to the extension of the city of Hoyt Lakes' zoning and subdivision regulations over the area legally described in paragraph (a), the city of Hoyt Lakes' regulations prevail over any other applicable zoning and subdivision regulations.

Sec. 4. [EFFECTIVE DATE.]

This act is effective under Minnesota Statutes, section 645.02, the day after the governing body of the latter of the town of White and the city of Hoyt Lakes and their respective chief clerical officers timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dorman moved to amend H. F. No. 2378, as amended, as follows:

Page 2, line 12, delete "residential"

Page 2, line 13, delete "housing"

The motion prevailed and the amendment was adopted.

H. F. No. 2378, A bill for an act relating to local government; adding to the list of unpaid special charges for which a city may collect a service charge as a special assessment; making a conforming change; amending Minnesota Statutes 2002, section 504B.445, subdivision 4; Minnesota Statutes 2003 Supplement, section 429.101, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 74 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorman	Howes	Lesch	Otremba	Solberg
Anderson, J.	Dorn	Huntley	Lieder	Otto	Strachan
Atkins	Eken	Jaros	Mahoney	Ozment	Thao
Bernardy	Ellison	Johnson, S.	Mariani	Paymar	Thissen
Biernat	Entenza	Juhnke	Marquart	Pelowski	Tingelstad
Carlson	Erhardt	Kahn	McNamara	Peterson	Wagenius
Clark	Fuller	Kelliher	Meslow	Powell	Walker
Cornish	Goodwin	Knoblach	Mullery	Pugh	Wasiluk
Cox	Greiling	Koenen	Murphy	Rhodes	Spk. Sviggum
Davids	Hausman	Lanning	Nelson, M.	Rukavina	
Davnie	Hilstrom	Larson	Newman	Samuelson	
Dempsey	Hilty	Latz	Opatz	Sertich	
Dill	Hornstein	Lenczewski	Osterman	Sieben	

Those who voted in the negative were:

Abeler	Buesgens	Harder	Kuisle	Paulsen	Sykora
Abrams	DeLaForest	Heidgerken	Lindner	Ruth	Urdahl
Adolphson	Demmer	Holberg	Lipman	Seifert	Vandever
Beard	Eastlund	Hoppe	Magnus	Severson	Walz
Blaine	Erickson	Jacobson	Nelson, C.	Simpson	Wardlow
Borrell	Finstad	Johnson, J.	Nelson, P.	Smith	Westerberg
Boudreau	Gerlach	Klinzing	Nornes	Soderstrom	Westrom
Bradley	Haas	Kohls	Olsen, S.	Stang	Wilkin
Brod	Hackbarth	Krinkie	Olson, M.	Swenson	Zellers

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

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

MOTIONS AND RESOLUTIONS

Smith moved that the name of Knoblach be added as an author on H. F. No. 2367. The motion prevailed.

Nelson, C., moved that the names of Bradley and Kuisle be added as authors on H. F. No. 3128. The motion prevailed.

Kohls moved that the name of Erickson be added as an author on H. F. No. 3168. The motion prevailed.

Kelliher moved that the name of Slawik be added as an author on H. F. No. 3169. The motion prevailed.

Otremba introduced:

House Resolution No. 21, A House resolution recognizing May 17-21, 2004, as Smarter Safer Kids Week in Minnesota.

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

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, April 14, 2004. 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, April 14, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

