

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

 ONE HUNDRED FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 7, 2004

The House of Representatives convened at 12:00 noon and was called to order by Marty Seifert, Speaker pro tempore.

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dorn	Hoppe	Lieder	Pelowski	Sykora
Abrams	Eastlund	Howes	Lipman	Penas	Thao
Anderson, B.	Eken	Huntley	Magnus	Peterson	Thissen
Anderson, I.	Ellison	Jacobson	Mahoney	Powell	Tingelstad
Atkins	Entenza	Johnson, J.	Mariani	Pugh	Vanderveer
Beard	Erhardt	Johnson, S.	Marquart	Rhodes	Wagenius
Bernardy	Gerlach	Juhnke	McNamara	Rukavina	Walker
Blaine	Goodwin	Kahn	Mullery	Ruth	Walz
Boudreau	Greiling	Kelliher	Murphy	Seagren	Wardlow
Bradley	Gunther	Klinzing	Nelson, M.	Seifert	Wasiluk
Brod	Haas	Knoblach	Nelson, P.	Sertich	Wilkin
Buesgens	Hackbarth	Koenen	Newman	Sieben	Zellers
Carlson	Harder	Kohls	Olsen, S.	Slawik	Spk. Sviggum
Cox	Hausman	Krinkie	Otremba	Smith	
Davnie	Heidgerken	Kuisle	Otto	Soderstrom	
Demmer	Hilstrom	Latz	Ozment	Solberg	
Dempsey	Hilty	Lenczewski	Paulsen	Stang	
Dill	Holberg	Lesch	Paymar	Swenson	

A quorum was present.

Adolphson; Anderson, J.; Biernat; Borrell; Clark; Cornish; Davids; DeLaForest; Dorman; Erickson; Finstad; Fuller; Hornstein; Jaros; Lanning; Larson; Lindgren; Lindner; Meslow; Nelson, C.; Nornes; Olson, M.; Opatz; Osterman; Samuelson; Severson; Simpson; Strachan; Urdahl; Westerberg and Westrom were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Wasiluk 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. 1769 and H. F. No. 1925, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kahn moved that the rules be so far suspended that S. F. No. 1769 be substituted for H. F. No. 1925 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1803 and H. F. No. 1824, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lipman moved that the rules be so far suspended that S. F. No. 1803 be substituted for H. F. No. 1824 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1973 and H. F. No. 2136, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Holberg moved that the rules be so far suspended that S. F. No. 1973 be substituted for H. F. No. 2136 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2080 and H. F. No. 2127, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Boudreau moved that the rules be so far suspended that S. F. No. 2080 be substituted for H. F. No. 2127 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2274 and H. F. No. 2021, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Buesgens moved that the rules be so far suspended that S. F. No. 2274 be substituted for H. F. No. 2021 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2379 and H. F. No. 2439, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Brod moved that the rules be so far suspended that S. F. No. 2379 be substituted for H. F. No. 2439 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2472 and H. F. No. 2433, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hackbarth moved that the rules be so far suspended that S. F. No. 2472 be substituted for H. F. No. 2433 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2620 and H. F. No. 2777, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Brod moved that the rules be so far suspended that S. F. No. 2620 be substituted for H. F. No. 2777 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2703 and H. F. No. 2874, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Ozment moved that the rules be so far suspended that S. F. No. 2703 be substituted for H. F. No. 2874 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1769, 1803, 1973, 2080, 2274, 2379, 2472, 2620 and 2703 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Abeler and Lesch introduced:

H. F. No. 3193, A bill for an act relating to human services; modifying the MFIP consolidated fund; amending Minnesota Statutes 2003 Supplement, section 256J.626, subdivision 6.

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

Westrom, Heidgerken, Urdahl and Holberg introduced:

H. F. No. 3194, A bill for an act relating to courts; requiring forms prepared by the Supreme Court to be made available in electronic format to the public on a remote access basis; requiring that court submissions in civil and criminal cases be submitted to the court in electronic format; requiring the state court administrator to develop a publicly accessible database to store electronic submissions to the court; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 480.

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

Latz and Ozment introduced:

H. F. No. 3195, A bill for an act relating to taxation; requiring tax preparers to notify clients of the nongame wildlife checkoff; amending Minnesota Statutes 2003 Supplement, section 270.30, by adding a subdivision.

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

Borrell introduced:

H. F. No. 3196, A bill for an act relating to education; forming two separate school districts from the area currently within Independent School District No. 728, Elk River.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1793, A bill for an act relating to education; providing for prekindergarten through grade 12 education and early childhood and family education including general education, special programs, academic excellence, facilities, nutrition, and accounting, other programs, libraries, early childhood programs, prevention, self-sufficiency and lifelong learning, state agencies, deficiencies, technical and conforming amendments, and academic standards; providing for higher education including extending sunset of education telecommunications council, requiring eligible institutions to provide certain data to the Higher Education Services Office, making changes relating to child care grants and the Minnesota College Savings Plan, modifying certain education benefits of public safety officers, making changes to tuition reciprocity, and authorizing planning for applied doctoral degrees; repealing obsolete rules; providing for rulemaking; reducing appropriations; appropriating money; amending Minnesota Statutes 2002, sections 13.321, subdivision 1, by adding subdivisions; 119A.46, subdivisions 2, 3, 8; 120A.05, by adding a subdivision; 120B.23, as amended; 120B.35, by adding a subdivision; 121A.22, subdivision 2; 121A.34, by adding subdivisions; 121A.45, subdivision 3; 121A.48; 121A.75, by adding a subdivision; 122A.06, subdivision 4; 122A.12, by adding a subdivision; 122A.16; 122A.18, subdivision 2a, by adding a subdivision; 122A.20, subdivision 2; 123A.05, subdivision 2; 123A.442, subdivision 2; 123A.443, subdivision 4; 123A.55; 123B.09,

subdivision 8; 123B.143, subdivision 1; 123B.195; 123B.36, subdivision 1; 123B.49, subdivision 4; 123B.53, subdivision 6; 123B.58, subdivision 2; 123B.71, subdivision 9; 123B.75, by adding a subdivision; 123B.76, by adding a subdivision; 123B.82; 123B.92, subdivision 5; 124D.15, subdivisions 1, 3, 5, 8, 10, 12, by adding a subdivision; 124D.16, subdivision 2; 124D.19, subdivision 11; 124D.20, by adding a subdivision; 124D.59, as amended; 124D.61; 124D.68, subdivisions 3, 9; 124D.69, subdivision 1; 125A.023, subdivision 3; 125A.03; 125A.07; 125A.22; 125A.46; 125A.51; 125A.79, subdivisions 5, 7, by adding subdivisions; 125B.15; 126C.10, subdivision 2; 126C.15, subdivision 2, by adding a subdivision; 126C.21, subdivision 4; 126C.48, subdivision 8; 127A.42, subdivisions 4, 6; 127A.45, subdivision 11; 127A.47, subdivision 3; 134.31, by adding a subdivision; 134.50; 136A.08, by adding a subdivision; 136A.121, subdivision 2, by adding a subdivision; 136G.11, by adding a subdivision; 169.451; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 171.19; 260A.01; 260A.03; 260C.163, subdivision 11; 299A.45, subdivision 4; 631.40, subdivision 4; Minnesota Statutes 2003 Supplement, sections 13.46, subdivision 2; 16A.152, subdivision 2; 119A.46, subdivision 1; 120B.021, subdivisions 1, 3, by adding a subdivision; 120B.022, subdivision 1; 120B.024; 120B.36; 121A.64; 122A.09, subdivision 4; 123B.54; 123B.77, subdivision 4; 123B.92, subdivision 1; 124D.095, subdivisions 4, 7, 8; 124D.10, subdivisions 3, 4, 8; 124D.11, subdivisions 1, 2, 9; 124D.20, subdivision 11; 124D.385, subdivision 2; 124D.42, subdivision 6; 124D.454, subdivision 2; 124D.531, subdivisions 1, 4; 124D.86, subdivisions 3, 4; 125A.023, subdivision 4; 125A.091, subdivision 5; 125A.75, subdivision 8; 125A.79, subdivision 1; 125B.21, subdivision 1; 126C.10, subdivisions 3, 31; 126C.15, subdivision 1; 126C.17, subdivision 9; 126C.40, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.457; 126C.63, subdivision 8; 127A.41, subdivision 9; 127A.42, subdivision 2; 127A.47, subdivisions 7, 8; 128C.05, subdivision 1a; 136A.121, subdivision 9; 136A.125, subdivision 2; 136G.11, subdivisions 1, 3; 136G.13, subdivision 1; 275.065, subdivision 1; 475.61, subdivision 4; 626.556, subdivision 2; Laws 2003, chapter 130, section 12; Laws 2003, First Special Session chapter 9, article 1, section 53, subdivisions 2, 3, 5, 6, 11, 12; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, 3, 4, 5, 7, 9, 12, 15, 16, 17, 19, 21, as amended; Laws 2003, First Special Session chapter 9, article 3, section 19; Laws 2003, First Special Session chapter 9, article 3, section 20, subdivisions 4, 5, 6, 7, 8, 9; Laws 2003, First Special Session chapter 9, article 4, section 29; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 6, section 4; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, 5; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivisions 2, 5; Laws 2003, First Special Session chapter 9, article 10, section 10, subdivision 2; Laws 2003, First Special Session chapter 9, article 10, section 11; Laws 2003, First Special Session chapter 9, article 10, section 12; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123B; 125B; 127A; 135A; 171; repealing Minnesota Statutes 2002, sections 124D.15, subdivisions 2, 4, 6, 11, 13; 124D.16, subdivisions 1, 4; 124D.41; 124D.42, subdivisions 1, 2, 4, 5, 7; 124D.43; 124D.91; 124D.92; 126C.23; 134.47, subdivision 3; Minnesota Statutes 2003 Supplement, sections 124D.15, subdivision 7; 124D.42, subdivision 3; 124D.86, subdivision 5; 136G.11, subdivision 2; Minnesota Rules, parts 4815.0100; 4815.0110; 4815.0120; 4815.0130; 4815.0140; 4815.0150; 4815.0160; 4830.8100; 4830.8110; 4830.8120; 4830.8130; 4830.8140; 4830.8150.

PATRICK E. FLAHAVEN, Secretary of the Senate

Seagren moved that the House refuse to concur in the Senate amendments to H. F. No. 1793, 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. The motion prevailed.

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. 2277, A bill for an act relating to human services; making changes to licensing provisions; regulating child protection dispositions; clarifying a mental health case management provision; changing a provision under child welfare targeted case management; regulating child care, long-term care, and health care; amending Minnesota

Statutes 2002, sections 119B.011, by adding a subdivision; 119B.03, subdivisions 3, 6a, by adding a subdivision; 245.4881, subdivision 1; 245.814, subdivision 1; 245A.02, subdivisions 2a, 5a, 7, 10, 14, by adding a subdivision; 245A.03, subdivision 3; 245A.04, subdivisions 5, 6, 7, by adding a subdivision; 245A.05; 245A.06, subdivisions 2, 4; 245A.07, subdivisions 2, 2a, 3; 245A.08, subdivision 5; 245A.16, subdivision 4; 245A.22, subdivision 2; 245B.02, by adding a subdivision; 245B.05, subdivision 2; 245B.07, subdivisions 8, 12; 252.28, subdivision 1; 256.01, by adding a subdivision; 256.955, subdivisions 2, 2b; 256B.0625, by adding a subdivision; 256B.0911, subdivision 4a; 256F.10, subdivision 5; 256J.01, subdivision 1; 256J.08, subdivisions 73, 82a; 256J.21, subdivision 3; 256J.415; 256J.425, subdivision 5; 260C.212, subdivision 5; Minnesota Statutes 2003 Supplement, sections 119B.011, subdivisions 8, 10, 20; 119B.03, subdivision 4; 119B.05, subdivision 1; 119B.09, subdivision 7; 119B.12, subdivision 2; 119B.13, subdivisions 1, 1a; 119B.189, subdivisions 2, 4; 119B.19, subdivision 1; 119B.24; 119B.25, subdivision 2; 241.021, subdivision 6; 245.4874; 245A.03, subdivision 2; 245A.04, subdivision 1; 245A.08, subdivisions 1, 2a; 245A.085; 245A.11, subdivisions 2a, 2b; 245A.16, subdivision 1; 245A.22, subdivision 3; 245C.02, subdivision 18; 245C.03, subdivision 1, by adding a subdivision; 245C.05, subdivisions 1, 2, 5, 6; 245C.08, subdivisions 2, 3, 4; 245C.09, subdivision 1; 245C.13, subdivision 1; 245C.14, subdivision 1; 245C.15, subdivisions 2, 3, 4; 245C.16, subdivision 1; 245C.17, subdivisions 1, 3; 245C.18; 245C.20; 245C.21, subdivision 3, by adding a subdivision; 245C.22, subdivisions 3, 4, 5, 6; 245C.23, subdivisions 1, 2; 245C.25; 245C.26; 245C.27, subdivisions 1, 2; 245C.28, subdivisions 1, 2, 3; 245C.29, subdivision 2; 256.01, subdivision 2; 256.045, subdivisions 3, 3b; 256.046, subdivision 1; 256.955, subdivision 2a; 256.98, subdivision 8; 256B.0596; 256B.06, subdivision 4; 256B.0625, subdivision 9; 256B.0915, subdivisions 3a, 3b; 256B.431, subdivision 32; 256B.69, subdivision 6b; 256D.03, subdivisions 3, 4; 256J.09, subdivision 3b; 256J.24, subdivision 5; 256J.32, subdivisions 2, 8; 256J.37, subdivision 9; 256J.425, subdivisions 1, 4, 6; 256J.46, subdivision 1; 256J.49, subdivision 4; 256J.515; 256J.521, subdivisions 1, 2; 256J.53, subdivision 2; 256J.56; 256J.57, subdivision 1; 256J.626, subdivision 2; 256J.751, subdivision 2; 256J.95, subdivisions 1, 3, 11, 12, 19; 626.556, subdivision 10i; 626.557, subdivision 9d; proposing coding for new law in Minnesota Statutes, chapters 245A; 245B; repealing Minnesota Statutes 2002, sections 119B.211; 256D.051, subdivision 17; Minnesota Statutes 2003 Supplement, sections 245C.02, subdivision 17; Laws 2000, chapter 489, article 1, section 36; Laws 2003, First Special Session chapter 14, article 3, section 56; Minnesota Rules, parts 9525.1600; 9543.0040, subpart 3; 9543.1000; 9543.1010; 9543.1020; 9543.1030; 9543.1040; 9543.1050; 9543.1060.

PATRICK E. FLAHAVEN, Secretary of the Senate

Abeler moved that the House refuse to concur in the Senate amendments to H. F. No. 2277, that the Speaker appoint a Conference Committee of 3 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. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2869, 1974 and 3036.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2869, A bill for an act relating to health; modifying fees for radioactive and nuclear material; approving state agreement with the Nuclear Regulatory Commission; amending Minnesota Statutes 2002, section 144.1205, subdivisions 2, 4, 8, 9; repealing Minnesota Statutes 2003 Supplement, section 144.1202, subdivision 4.

The bill was read for the first time.

Bradley moved that S. F. No. 2869 and H. F. No. 2970, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1974, A bill for an act relating to natural resources; extending the availability of appropriations from the Minnesota future resources fund and the environment and natural resources trust fund; requiring a study and authorizing funding.

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

S. F. No. 3036, A resolution memorializing the Center for Medicaid and Medicare Services to designate the state of Minnesota as a single-state region under the Medicare Modernization Act.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

CALENDAR FOR THE DAY

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

MOTIONS AND RESOLUTIONS

Lieder moved that the name of Peterson be added as an author on H. F. No. 3192. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1793:

Seagren; Sykora; Johnson, J.; Nornes and Klinzing.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2277:

Abeler, Samuelson and Huntley.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Monday, May 10, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Seifert declared the House stands adjourned until 12:00 noon, Monday, May 10, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives