

STATE OF MINNESOTA

SPECIAL SESSION — 2003

FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 20, 2003

In obedience to the Proclamation of the Honorable Tim Pawlenty, Governor of the State of Minnesota, summoning the two houses of the Legislature to meet in Special Session, the members of the House of Representatives assembled in the Chamber of the House of Representatives at the Capitol in Saint Paul on Tuesday, the twentieth day of May 2003 at 11:00 a.m.

PROCLAMATION FOR SPECIAL SESSION 2003

Whereas, The Eighty-Third Legislature adjourned without enacting legislation essential to the health, well-being and safety of the citizens of Minnesota; and

Whereas, The unfinished matters of the Legislature include essential laws regarding the operation of state government, the operation of local governments, education, public safety, transportation, tax reform, energy management, health, human services, economic development and natural resources; and

Whereas, The time permitted by law for passage of such legislation during the 2003 session for the Legislature has expired, and an extraordinary occasion as envisioned by Article IV, Section 12 of the Minnesota Constitution is thereby created; and

Whereas, The people of Minnesota are best served by avoidance of a government shutdown and a prompt conclusion of legislative business, with a limited agenda and, to the extent possible prior agreement on laws to be enacted.

Now Therefore, I, Tim Pawlenty, Governor of Minnesota, do hereby summon you members of the Legislature, to convene in Special Session on Tuesday, May 20, 2003, at 11:00 a.m. at the State Capitol in Saint Paul, Minnesota.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this 20th day of May in the year of our Lord two thousand and three, and of the State the one hundred forty-fifth.

MARY KIFFMEYER
Secretary of State

TIM PAWLENTY
Governor

At the hour of 11:00 a.m. and pursuant to the Proclamation of the Governor and pursuant to Minnesota Statutes 2002, Section 3.073, the Honorable Ron Abrams, Speaker pro tempore, called the House of Representatives to order.

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

A quorum was present.

Anderson, B., and Meslow were excused.

Walker was excused until 3:10 p.m. Hausman was excused until 3:50 p.m.

Pursuant to Minnesota Statutes 2002, Section 3.073, Speaker pro tempore Abrams declared the House of Representatives organized for the 2003 Special Session.

Paulsen moved that the Chief Clerk be and is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is now duly organized pursuant to law for this Special Session. The motion prevailed.

Slawik was excused between the hours of 11:40 a.m. and 3:35 p.m.

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 Speaker pro tempore Abrams.

Biernat was excused between the hours of 1:30 p.m. and 3:15 p.m.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Haas introduced:

H. F. No. 1, A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government and economic development; modifying provisions related to state and local government operations; modifying certain fee and revenue provisions; requiring certain contractor bonding; requiring licensure of certain gambling equipment sales persons; modifying provisions of various state boards and commissions; modifying certain insurance provisions; modifying certain cosmetology provisions; modifying certain lawful gambling provisions; requiring studies; amending Minnesota Statutes 2002, sections 3.885, subdivision 1; 3.971, subdivision 2; 6.48; 6.49; 6.54; 6.55; 6.64; 6.65; 6.66; 6.67; 6.68, subdivision 1; 6.70; 6.71; 6.74; 8.06; 10A.01, subdivision 21; 10A.02, by adding a subdivision; 10A.025, subdivision 2; 10A.03, subdivision 1; 10A.04, subdivisions 1, 2, 4, 5, 6, by adding a subdivision; 10A.34, subdivision 1a; 14.091; 14.48, by adding a subdivision; 16A.102, subdivision 1; 16A.11, subdivision 3; 16A.1285, subdivision 3; 16A.151, subdivision 5; 16A.17, by adding a subdivision; 16A.40; 16A.501; 16A.642, subdivision 1; 16B.24, subdivision 5; 16B.35, subdivision 1; 16B.465, subdivisions 1a, 7; 16B.47; 16B.48, subdivision 2; 16C.02, subdivision 6; 16C.03, by adding a subdivision; 16C.05, subdivision 2, by adding a subdivision; 16C.06, subdivision 1; 16C.08, subdivisions 2, 3, 4, by adding a subdivision; 16C.10, subdivision 7; 16D.08, subdivision 2; 16E.01, subdivision 3; 16E.07, subdivision 9; 43A.17, subdivision 9; 69.772, subdivision 2; 115A.929; 116J.8771; 197.608; 237.49; 237.52, subdivision 3; 237.701, subdivision 1; 240.03; 240.10; 240.15, subdivision 6; 240.155, subdivision 1; 240A.03, subdivision 10; 240A.04; 240A.06, subdivision 1; 256B.435, subdivision 2a; 268.186; 270.052; 270.44; 270A.07, subdivision 1; 289A.08, subdivision 16; 306.95; 349.12, subdivision 25, by adding a subdivision; 349.151, subdivisions 4, 4b; 349.155, subdivision 3; 349.16, subdivision 6; 349.161, subdivisions 1, 4, 5; 349.162, subdivision 1; 349.163, subdivisions 2, 6; 349.164, subdivision 4; 349.165, subdivision 3; 349.166, subdivisions 1, 2; 349A.08, subdivision 5; 403.02, subdivision 10; 403.06; 403.07, subdivisions 1, 2, 3; 403.09, subdivision 1; 403.11; 403.113; 458D.17, subdivision 5; 471.696; 471.999; 473.891, subdivision 10, by adding a subdivision; 473.898, subdivisions 1, 3; 473.901; 473.902, by adding a subdivision; 473.907, subdivision 1; 477A.014, subdivision 4; Laws 1998, chapter 366, section 80, as amended; Laws 2002, chapter 331, section 19; proposing coding for new law in Minnesota Statutes, chapters 3A; 6; 16C; 43A; 60A; 326; 349; repealing Minnesota Statutes 2002, sections 3.305, subdivision 5; 3.971, subdivision 8; 3A.11; 4A.055; 6.77; 12.221, subdivision 5; 16A.87; 16B.50; 16C.07; 16E.09; 149A.97, subdivision 8; 155A.03, subdivisions 14, 15; 155A.07, subdivision 9; 163.10; 306.97; Minnesota Rules, part 1950.1070.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Haas moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Haas moved that the rules of the House be so far suspended that H. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 1 was read for the second time.

The Speaker assumed the Chair.

H. F. No. 1, A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government and economic development; modifying provisions related to state and local government operations; modifying certain fee and revenue provisions; requiring certain contractor bonding; requiring licensure of certain gambling equipment sales persons; modifying provisions of various state boards and commissions; modifying certain insurance provisions; modifying certain cosmetology provisions; modifying certain lawful gambling provisions; requiring studies; amending Minnesota Statutes 2002, sections 3.885, subdivision 1; 3.971, subdivision 2; 6.48; 6.49; 6.54; 6.55; 6.64; 6.65; 6.66; 6.67; 6.68, subdivision 1; 6.70; 6.71; 6.74; 8.06; 10A.01, subdivision 21; 10A.02, by adding a subdivision; 10A.025, subdivision 2; 10A.03, subdivision 1; 10A.04, subdivisions 1, 2, 4, 5, 6, by adding a subdivision; 10A.34, subdivision 1a; 14.091; 14.48, by adding a subdivision; 16A.102, subdivision 1; 16A.11, subdivision 3; 16A.1285, subdivision 3; 16A.151, subdivision 5; 16A.17, by adding a subdivision; 16A.40; 16A.501; 16A.642, subdivision 1; 16B.24, subdivision 5; 16B.35, subdivision 1; 16B.465, subdivisions 1a, 7; 16B.47; 16B.48, subdivision 2; 16C.02, subdivision 6; 16C.03, by adding a subdivision; 16C.05, subdivision 2, by adding a subdivision; 16C.06, subdivision 1; 16C.08, subdivisions 2, 3, 4, by adding a subdivision; 16C.10, subdivision 7; 16D.08, subdivision 2; 16E.01, subdivision 3; 16E.07, subdivision 9; 43A.17, subdivision 9; 69.772, subdivision 2; 115A.929; 116J.8771; 197.608; 237.49; 237.52, subdivision 3; 237.701, subdivision 1; 240.03; 240.10; 240.15, subdivision 6; 240.155, subdivision 1; 240A.03, subdivision 10; 240A.04; 240A.06, subdivision 1; 256B.435, subdivision 2a; 268.186; 270.052; 270.44; 270A.07, subdivision 1; 289A.08, subdivision 16; 306.95; 349.12, subdivision 25, by adding a subdivision; 349.151, subdivisions 4, 4b; 349.155, subdivision 3; 349.16, subdivision 6; 349.161, subdivisions 1, 4, 5; 349.162, subdivision 1; 349.163, subdivisions 2, 6; 349.164, subdivision 4; 349.165, subdivision 3; 349.166, subdivisions 1, 2; 349A.08, subdivision 5; 403.02, subdivision 10; 403.06; 403.07, subdivisions 1, 2, 3; 403.09, subdivision 1; 403.11; 403.113; 458D.17, subdivision 5; 471.696; 471.999; 473.891, subdivision 10, by adding a subdivision; 473.898, subdivisions 1, 3; 473.901; 473.902, by adding a subdivision; 473.907, subdivision 1; 477A.014, subdivision 4; Laws 1998, chapter 366, section 80, as amended; Laws 2002, chapter 331, section 19; proposing coding for new law in Minnesota Statutes, chapters 3A; 6; 16C; 43A; 60A; 326; 349; repealing Minnesota Statutes 2002, sections 3.305, subdivision 5; 3.971, subdivision 8; 3A.11; 4A.055; 6.77; 12.221, subdivision 5; 16A.87; 16B.50; 16C.07; 16E.09; 149A.97, subdivision 8; 155A.03, subdivisions 14, 15; 155A.07, subdivision 9; 163.10; 306.97; Minnesota Rules, part 1950.1070.

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 71 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Abeler	Blaine	Cornish	Dorman	Fuller	Harder
Abrams	Borrell	Cox	Eastlund	Gerlach	Heidgerken
Adolphson	Boudreau	Davids	Erhardt	Gunther	Hoppe
Anderson, J.	Bradley	Demmer	Erickson	Haas	Jacobson
Beard	Brod	Dempsey	Finstad	Hackbarth	Johnson, J.

Kielkucki	Lindgren	Olsen, S.	Samuelson	Stang	Wardlow
Klinzing	Lindner	Osterman	Seagren	Strachan	Westerberg
Knoblach	Magnus	Ozment	Seifert	Swenson	Westrom
Kohls	McNamara	Paulsen	Severson	Sykora	Wilkin
Krinkie	Nelson, C.	Penas	Simpson	Tingelstad	Zellers
Kuisle	Nelson, P.	Rhodes	Smith	Urdahl	Spk. Sviggum
Lanning	Nornes	Ruth	Soderstrom	Walz	

Those who voted in the negative were:

Anderson, I.	Eken	Huntley	Lesch	Opatz	Sieben
Atkins	Ellison	Jaros	Lieder	Otremba	Solberg
Bernardy	Entenza	Johnson, S.	Lipman	Otto	Thao
Buesgens	Goodwin	Juhnke	Mahoney	Paymar	Thissen
Carlson	Greiling	Kahn	Mariani	Pelowski	Vandever
Clark	Hilstrom	Kelliher	Marquart	Peterson	Wagenius
Davnie	Hilty	Koenen	Mullery	Powell	Walker
DeLaForest	Holberg	Larson	Murphy	Pugh	Wasiluk
Dill	Hornstein	Latz	Nelson, M.	Rukavina	
Dorn	Howes	Lenczewski	Olson, M.	Sertich	

The bill was passed and its title agreed to.

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.

MOTION TO FIX TIME TO CONVENE

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, May 21, 2003. The motion prevailed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS, Continued

The following House File was introduced:

Smith introduced:

H. F. No. 2, A bill for an act relating to criminal justice; appropriating money for the courts, public defenders, public safety, corrections, and other criminal justice agencies; establishing, funding, modifying, and regulating public safety, criminal justice, judiciary, law enforcement, corrections, crime victims, CrimNet, and driving while impaired policies, programs, duties, activities, or practices; requiring studies and reports; clarifying the reporting

requirements of predatory registration law; imposing criminal and civil penalties; setting or increasing fines, surcharges, and fees; amending Minnesota Statutes 2002, sections 13.87, subdivision 3; 15A.0815, subdivision 3; 16A.151, subdivision 2; 152.021, subdivisions 2a, 3; 169A.03, subdivision 21, by adding a subdivision; 169A.20, subdivision 2; 169A.25, subdivision 1; 169A.26, subdivision 1; 169A.27, subdivision 1; 169A.275, subdivisions 3, 4, by adding a subdivision; 169A.40, subdivision 3; 169A.44; 169A.51, subdivision 5; 169A.53, subdivision 3; 169A.54, subdivision 6; 169A.60, subdivisions 8, 13; 241.016, subdivision 1; 243.166, subdivisions 3, 4a; 243.48, subdivision 1; 243.53, subdivision 1; 260B.105, subdivisions 1, 2; 260B.143, subdivision 1; 260C.163, subdivision 5; 270A.03, subdivision 5; 271.06, subdivision 4; 299A.42; 299A.44, subdivision 1; 299A.465, subdivision 4; 299C.05; 299C.06; 299C.10, subdivision 4, by adding a subdivision; 299C.48; 299F.46, subdivision 1, by adding subdivisions; 299M.01, by adding subdivisions; 299M.03, by adding subdivisions; 299M.04; 299M.11, subdivisions 1, 2; 340A.301, by adding a subdivision; 357.021, subdivisions 2, 6, 7; 357.022; 357.08; 363.073, by adding a subdivision; 590.05; 609.101, subdivision 4; 609.105, subdivision 1, by adding subdivisions; 609.119; 609.135, subdivisions 1, 2; 609.145, by adding a subdivision; 609.2231, by adding a subdivision; 609.322, by adding a subdivision; 609.3241; 609.527, subdivision 3; 609.5312, subdivisions 3, 4; 609.66, subdivision 1a, by adding a subdivision; 609.68; 609.681; 609.748, subdivisions 3, 4, 5; 611.14; 611.17; 611.18; 611.25, subdivision 1; 611.26, subdivision 6; 611.272; 624.22, subdivision 1; 629.471, by adding a subdivision; 641.14; 641.263, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 169A; 243; 244; 256B; 299F; 609; 611A; 641; repealing Minnesota Statutes 2002, sections 13.855; 123B.73; 152.135, subdivision 4; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 244.19, subdivision 3a; Laws 2002, chapter 220, article 6, section 6.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Smith moved that the rule therein be suspended and an urgency be declared so that H. F. No. 2 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Smith motion and the roll was called. There were 79 yeas and 44 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

Not having received the constitutionally required two-thirds vote, the motion did not prevail.

There being no objection, H. F. No. 2 was laid on the table.

ADJOURNMENT

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, May 21, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

