

## STATE OF MINNESOTA

## SPECIAL SESSION — 2003

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 FIFTH DAY

SAINT PAUL, MINNESOTA, SATURDAY, MAY 24, 2003

The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Fuller, Kahn, Mariani, Sertich and Wagenius were excused.

Ozment was excused until 9:45 a.m. Davnie was excused until 9:50 a.m. Dorman was excused until 10:25 a.m. Erickson was excused until 11:30 a.m.

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

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Anderson, B.; Haas; Lesch and Davids introduced:

H. F. No. 57, A bill for an act relating to claims against the state; providing for payment of various claims; authorizing a payment; appropriating money.

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

Soderstrom, Eastlund, Otremba and Lesch introduced:

H. F. No. 58, A bill for an act relating to crimes; authorizing collection of treatment co-pays from offenders; prohibiting certain persons who have been civilly committed for sexual psychopathic reasons from receiving obscene material; amending Minnesota Statutes 2002, sections 241.272, by adding a subdivision; 246B.04.

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

## FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Knoblach announced his intention to place H. F. No. 3 on the Fiscal Calendar for Saturday, May 24, 2003.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 9, A bill for an act relating to energy; modifying provisions relating to radioactive waste storage; modifying incentives and objectives for alternative energy development; requiring studies; approving consumptive use of water; amending Minnesota Statutes 2002, sections 116C.71, subdivision 7; 116C.779; 216B.095; 216B.097, by adding a subdivision; 216B.1645, by adding a subdivision; 216B.1691; 216B.241, subdivision 1b, by adding a subdivision; 216B.2411; 216B.2424, subdivision 5, by adding a subdivision; 216B.2425, by adding a subdivision; 216B.243, subdivision 3b; 216C.051, subdivisions 3, 6, 9, by adding a subdivision; 216C.052, subdivisions 2, 3; 216C.41, subdivisions 1, 2, 3, 4, 5, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 116C; 216B; repealing Minnesota Statutes 2002, sections 116C.80; 216C.051, subdivisions 1, 4, 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Westrom moved that the House concur in the Senate amendments to H. F. No. 9 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 9, A bill for an act relating to energy; modifying provisions relating to radioactive waste storage; modifying incentives and objectives for alternative energy development; requiring studies; approving consumptive use of water; amending Minnesota Statutes 2002, sections 116C.71, subdivision 7; 116C.779; 216B.095; 216B.097, by adding a subdivision; 216B.1645, by adding a subdivision; 216B.1691; 216B.241, subdivision 1b, by adding a subdivision; 216B.2411; 216B.2424, subdivision 5; 216B.2425, by adding a subdivision; 216B.243, subdivision 3b; 216C.051, subdivisions 3, 6, 9, by adding a subdivision; 216C.052, subdivisions 2, 3; 216C.41, subdivisions 1, 2, 3, 4, 5, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 116C; 216B; repealing Minnesota Statutes 2002, sections 116C.80; 216C.051, subdivisions 1, 4, 5.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 80 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Abrams	DeLaForest	Jacobson	Mahoney	Ruth	Tingelstad
Adolphson	Demmer	Johnson, J.	Marquart	Samuelson	Urdahl
Anderson, B.	Dempsey	Juhnke	McNamara	Seagren	Vandever
Anderson, I.	Dill	Kielkucki	Nelson, M.	Seifert	Walz
Anderson, J.	Eastlund	Klinzing	Nornes	Severson	Wardlow
Beard	Erhardt	Knoblach	Olsen, S.	Simpson	Westerberg
Blaine	Finstad	Kohls	Olson, M.	Slawik	Westrom
Borrell	Gerlach	Krinkie	Opatz	Smith	Wilkin
Boudreau	Gunther	Kuisle	Osterman	Soderstrom	Zellers
Bradley	Haas	Lanning	Ozment	Solberg	Spk. Sviggum
Brod	Hackbarth	Lindgren	Paulsen	Stang	
Buesgens	Harder	Lindner	Penas	Strachan	
Cornish	Howes	Lipman	Powell	Swenson	
Davids	Huntley	Magnus	Rukavina	Sykora	

Those who voted in the negative were:

Abeler	Eken	Hilty	Larson	Nelson, C.	Rhodes
Atkins	Ellison	Holberg	Latz	Nelson, P.	Sieben
Bernardy	Entenza	Hoppe	Lenczewski	Otremba	Thao
Biernat	Goodwin	Hornstein	Lesch	Otto	Thissen
Carlson	Greiling	Jaros	Lieder	Paymar	Walker
Clark	Hausman	Johnson, S.	Meslow	Pelowski	
Cox	Heidgerken	Kelliher	Mullery	Peterson	
Dorn	Hilstrom	Koenen	Murphy	Pugh	

The bill was repassed, as amended by the Senate, and its title agreed to.

**FISCAL CALENDAR**

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 3.

H. F. No. 3 was reported to the House.

Knoblach moved to amend H. F. No. 3 as follows:

Pages 8 and 9, delete section 5

Pages 9 to 11, delete article 6

Page 11, line 30, delete "7" and insert "6"

Page 12, line 17, after the semicolon, insert "and"

Page 12, delete lines 18 and 19

Page 12, line 20, delete "(9)" and insert "(8)"

Page 12, line 21, delete "; and" and insert a period

Page 12, delete lines 22 and 23

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

Lenczewski, Otto, Mahoney and Nelson, M., moved to amend H. F. No. 3, as amended, as follows:

Page 7, after line 7, insert:

"Section 1. Minnesota Statutes 2002, section 16A.103, subdivision 1, is amended to read:

Subdivision 1. [STATE REVENUE AND EXPENDITURES.] In February, July 2003, and November each year, the commissioner shall prepare a forecast of state revenue and expenditures. The November forecast must be delivered to the legislature and governor no later than the end of the first week of December. The February forecast must be delivered to the legislature and governor by the end of February. The July 2003 forecast must be delivered

to the legislature and governor by the end of July 2003. Forecasts must be delivered to the legislature and governor on the same day. If requested by the legislative commission on planning and fiscal policy, delivery to the legislature must include a presentation to the commission."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Lenczewski et al amendment and the roll was called. There were 56 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilty	Lenczewski	Otremba	Solberg
Atkins	Dorn	Hornstein	Lesch	Otto	Thao
Beard	Eken	Huntley	Lieder	Paymar	Thissen
Bernardy	Ellison	Jaros	Mahoney	Pelowski	Vandever
Biernat	Entenza	Johnson, S.	Marquart	Peterson	Walker
Brod	Erhardt	Juhnke	Mullery	Pugh	Wasiluk
Carlson	Goodwin	Kelliher	Murphy	Rhodes	
Clark	Greiling	Koenen	Nelson, M.	Rukavina	
Cox	Hausman	Larson	Opatz	Sieben	
Davnie	Hilstrom	Latz	Osterman	Slawik	

Those who voted in the negative were:

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

The motion did not prevail and the amendment was not adopted.

H. F. No. 3, A bill for an act relating to appropriations; appropriating money, authorizing bonding, and transferring or canceling appropriations made for fiscal year 2003; making conforming changes; amending Minnesota Statutes 2002, sections 16B.27, subdivision 3; 127A.45, subdivision 7a; Laws 2001, First Special Session chapter 9, article 17, section 10, 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 82 yeas and 45 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

### MESSAGES FROM THE SENATE, Continued

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 22.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 22, A bill for an act relating to retirement; modifying various public pension plan provisions; allowing certain service credit purchases; regulating leave without pay for governmental subdivision employees; amending Minnesota Statutes 2002, sections 11A.17, subdivision 2; 122A.46, subdivision 9; 352.96, subdivision 2; 353.01, subdivisions 2d, 6; 353.028, subdivision 2; 353D.01, subdivision 2; 353D.02, by adding a subdivision; 353F.02, subdivision 4; 354.094, subdivision 1; 356.24, subdivision 1; 356.55, subdivision 7; 356B.05; 383B.49; 383B.493; 423C.03, subdivision 3; 423C.08; 424A.02, subdivision 3; Laws 1978, chapter 685, section 1, as amended; Laws 1978, chapter 685, section 2; Laws 1978, chapter 685, section 3; Laws 1978, chapter 685, section 6; Laws 1999, chapter 222, article 16, section 16, as amended; Laws 2000, chapter 461, article 4, section 4; Laws 2000, chapter 461, article 12, section 20, as amended; Laws 2000, chapter 461, article 19, section 6; Laws 2001, First Special Session chapter 10, article 6, section 21, as amended; repealing Minnesota Statutes 2002, sections 354.541; 354A.109; Laws 1978, chapter 685, section 5.

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 S. F. No. 22 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Smith moved that the rules of the House be so far suspended that S. F. No. 22 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 94 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hornstein	Magnus	Paulsen	Soderstrom
Abrams	Dill	Huntley	Mahoney	Paymar	Solberg
Anderson, I.	Dorn	Jaros	Marquart	Pelowski	Stang
Anderson, J.	Eken	Johnson, J.	McNamara	Peterson	Strachan
Atkins	Ellison	Johnson, S.	Meslow	Powell	Thao
Beard	Entenza	Juhnke	Mullery	Pugh	Thissen
Bernardy	Erhardt	Kelliher	Murphy	Rhodes	Tingelstad
Blaine	Finstad	Klinzing	Nelson, C.	Rukavina	Walker
Bradley	Goodwin	Knoblach	Nelson, M.	Ruth	Walz
Brod	Greiling	Koenen	Nornes	Samuelson	Wardlow
Carlson	Gunther	Lanning	Olsen, S.	Seagren	Wasiluk
Clark	Hackbarth	Larson	Opatz	Seifert	Westerberg
Cornish	Harder	Latz	Osterman	Sieben	Westrom
Cox	Hausman	Lenczewski	Otremba	Simpson	Spk. Sviggum
Davnie	Hilstrom	Lesch	Otto	Slawik	
Demmer	Hilty	Lieder	Ozment	Smith	

Those who voted in the negative were:

Adolphson	DeLaForest	Hoppe	Kuisle	Penas	Wilkin
Anderson, B.	Eastlund	Howes	Lindgren	Severson	Zellers
Biernat	Gerlach	Jacobson	Lindner	Swenson	
Borrell	Haas	Kielkucki	Lipman	Sykora	
Boudreau	Heidgerken	Kohls	Nelson, P.	Urdahl	
Buesgens	Holberg	Krinkie	Olson, M.	Vanderveer	

The motion prevailed.

S. F. No. 22 was read for the second time.

S. F. No. 22, A bill for an act relating to retirement; modifying various public pension plan provisions; allowing certain service credit purchases; regulating leave without pay for governmental subdivision employees; amending Minnesota Statutes 2002, sections 11A.17, subdivision 2; 122A.46, subdivision 9; 352.96, subdivision 2; 353.01, subdivisions 2d, 6; 353.028, subdivision 2; 353D.01, subdivision 2; 353D.02, by adding a subdivision; 353F.02, subdivision 4; 354.094, subdivision 1; 356.24, subdivision 1; 356.55, subdivision 7; 356B.05; 383B.49; 383B.493; 423C.03, subdivision 3; 423C.08; 424A.02, subdivision 3; Laws 1978, chapter 685, section 1, as amended; Laws 1978, chapter 685, section 2; Laws 1978, chapter 685, section 3; Laws 1978, chapter 685, section 6; Laws 1999, chapter 222, article 16, section 16, as amended; Laws 2000, chapter 461, article 4, section 4; Laws 2000, chapter 461, article 12, section 20, as amended; Laws 2000, chapter 461, article 19, section 6; Laws 2001, First Special Session chapter 10, article 6, section 21, as amended; repealing Minnesota Statutes 2002, sections 354.541; 354A.109; Laws 1978, chapter 685, section 5.

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 97 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Hilstrom	Lindgren	Paymar	Strachan
Abrams	Dempsey	Hilty	Magnus	Pelowski	Swenson
Anderson, I.	Dill	Hornstein	Mahoney	Peterson	Thao
Anderson, J.	Dorn	Howes	Marquart	Powell	Thissen
Atkins	Eastlund	Huntley	McNamara	Pugh	Tingelstad
Beard	Eken	Jaros	Meslow	Rhodes	Walker
Bernardy	Ellison	Johnson, J.	Mullery	Rukavina	Walz
Biernat	Entenza	Johnson, S.	Murphy	Ruth	Wardlow
Blaine	Erhardt	Juhnke	Nelson, C.	Samuelson	Wasiluk
Boudreau	Finstad	Kelliher	Nelson, M.	Seagren	Westerberg
Bradley	Gerlach	Koenen	Nornes	Seifert	Westrom
Brod	Goodwin	Lanning	Olsen, S.	Sieben	Spk. Sviggum
Carlson	Greiling	Larson	Opatz	Simpson	
Clark	Gunther	Latz	Osterman	Slawik	
Cornish	Hackbarth	Lenczewski	Otremba	Smith	
Cox	Harder	Lesch	Otto	Soderstrom	
Davids	Hausman	Lieder	Ozment	Solberg	

Those who voted in the negative were:

Adolphson	Erickson	Kielkucki	Lindner	Severson	Zellers
Anderson, B.	Haas	Klinzing	Lipman	Stang	
Borrell	Heidgerken	Knoblach	Nelson, P.	Sykora	
Buesgens	Holberg	Kohls	Olson, M.	Urdahl	
DeLaForest	Hoppe	Krinkie	Paulsen	Vandev eer	
Demmer	Jacobson	Kuisle	Penas	Wilkin	

The bill was passed and its title agreed to.

#### MOTION TO FIX TIME TO CONVENE

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, May 27, 2003. The motion prevailed.

#### 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 bills to be placed on the Calendar for the Day:

H. F. Nos. 10, 21, 24, 30 and 31.

#### CALENDAR FOR THE DAY

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

#### MOTIONS AND RESOLUTIONS

Samuelson moved that the name of Huntley be added as an author on H. F. No. 33. The motion prevailed.

#### ADJOURNMENT

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 12:00 noon, Tuesday, May 27, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

