

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

TENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 30, 2003

The House of Representatives convened at 3:00 p.m. and was called to order by Rich Stanek, Speaker pro tempore.

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

A quorum was present.

Biernat was excused.

Swenson was excused until 4:15 p.m.

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

The Speaker assumed the Chair.

REPORTS OF STANDING COMMITTEES

Smith from the Committee on Civil Law to which was referred:

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.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 75 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Paulsen; Pelowski; Tingelstad; Rhodes; Lenczewski; Johnson, J.; Kohls; Hoppe; Adolphson; Olsen, S.; Magnus; Jacobson; Westerberg; Vandever; Abeler; Erickson; Soderstrom; Kielkucki; Borrell; Boudreau; Sviggum; Gerlach; Wardlow; Klinzing; Abrams and Larson introduced:

H. F. No. 250, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article IV to provide for initiative and referendum; providing procedures for initiative and referendum; providing penalties; amending Minnesota Statutes 2002, sections 204C.33, subdivisions 1, 3; 204D.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3B.

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

Beard, Severson, Lieder, Borrell, Osterman, Juhnke, Knoblach, Brod, Cox, Atkins, Samuelson, Adolphson and Dill introduced:

H. F. No. 251, A bill for an act relating to state government; regulating the state airports fund; providing for the restoration of any money that may be transferred.

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

Larson, Thissen, Pugh, Wilkin and Lenczewski introduced:

H. F. No. 252, A bill for an act relating to the metropolitan airports commission; adding mayors to the commissioner membership; amending Minnesota Statutes 2002, sections 473.604, subdivision 1; 473.605, subdivision 2; 473.622; repealing Minnesota Statutes 2002, section 473.601, subdivisions 3, 6.

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

Johnson, J.; Osterman; Smith and Abrams introduced:

H. F. No. 253, A bill for an act relating to retirement; Plymouth volunteer firefighter's relief association; making various ancillary benefits subject to general law; amending Laws 1978, chapter 685, sections 1, as amended, 2, 3, 6; repealing Laws 1978, chapter 685, section 5.

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

Abrams, Davids, Kelliher, Solberg and Rhodes introduced:

H. F. No. 254, A bill for an act relating to capital improvements; appropriating money to construct a new Guthrie Theater; authorizing the sale of state bonds.

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

Dill, Murphy, Howes, Hackbarth, Simpson, Hoppe, Cornish, Penas, McNamara, Koenen, Peterson and Nelson, M., introduced:

H. F. No. 255, A bill for an act relating to natural resources; appropriating money to acquire snowmobile trail easements.

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

Beard, Lanning, Samuelson, Simpson, Marquart and Holberg introduced:

H. F. No. 256, A bill for an act relating to taxation; sales and use; exempting sales to political subdivisions of a state; amending Minnesota Statutes 2002, section 297A.70, subdivisions 1, 2, 3.

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

Cox, Ozment, Sviggum, Clark, Wagenius, Heidgerken, Ruth, Erhardt, Hausman, McNamara, Tingelstad, Eastlund and Urdahl introduced:

H. F. No. 257, A bill for an act relating to water; restricting the use of phosphorus in dishwashers and detergents; amending Minnesota Statutes 2002, section 116.23.

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

Dorman, Kelliher, Ozment, Davids, Harder, Mahoney, Juhnke, Wagenius, Urdahl, Paulsen, Swenson and Brod introduced:

H. F. No. 258, A bill for an act relating to agriculture; prohibiting registration of certain fertilizers; amending Minnesota Statutes 2002, section 18C.401, by adding a subdivision.

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

Kuisle, Seagren, Holberg and Lieder introduced:

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.

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

Klinzing, Slawik and Lipman introduced:

H. F. No. 260, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the interchange project for highway I-94 at Century Avenue and McKnight Road in Ramsey county.

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

Boudreau; Smith; Holberg; Sviggum; Rukavina; Walz; Borrell; Severson; Dill; Urdahl; Ruth; Solberg; Demmer; Hackbarth; Olsen, S.; Gunther; Cornish; Magnus; Adolphson and Abeler introduced:

H. F. No. 261, A bill for an act relating to public safety; enacting the Minnesota Citizens' Personal Protection Act of 2003; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; appropriating money; amending Minnesota Statutes 2002, sections 609.66, subdivision 1d; 624.714, subdivisions 2, 3, 4, 6, 7, 8, 10, 12, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 2002, section 624.714, subdivisions 1, 5.

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

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.

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 Thursday, January 30, 2003:

H. F. No. 1.

CALENDAR FOR THE DAY

H. F. No. 1 was reported to the House.

Thissen moved to amend H. F. No. 1, the first engrossment, as follows:

Page 4, line 16, delete everything after "card" and insert "_. The expiration data on the driver's license, permit, or identification card shall coincide with the expiration date of the lawful admission period on the federal primary document presented."

Page 4, delete lines 17 to 18 and 23 to 26

Page 4, line 29, delete "status check" and insert "expiration"

Page 5, line 2, delete "a status check" and insert "an expiration"

Page 5, delete lines 6 to 12

Page 9, delete lines 33 to 36

Page 10, delete lines 1 to 36

Page 11, delete lines 1 to 6

Page 11, line 11, after "applies" insert "pursuant to section 171.025, subdivision 11,"

Page 11, line 12, delete "status check" and insert "expiration"

Page 11, line 14, delete "status check" and insert "expiration" and delete "expires"

Page 11, line 17, delete "status check" and insert "expiration"

Page 11, line 18, after "card" insert "issued pursuant to section 171.025, subdivision 9(a)"

Page 11, delete lines 22 to 24

Page 11, after line 30, insert:

"Sec. 9. Minnesota Statutes 2002, section 171.27, is amended to read:

171.27 [EXPIRATION OF LICENSE.]

Except as provided in section 171.025, the expiration date for each driver's license, other than under-21 licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.

The expiration date for each under-21 license shall be the 21st birthday of the licensee. Upon the licensee attaining the age of 21 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall be issued unless the commissioner determines that the licensee is no longer qualified as a driver.

The expiration date for each provisional license is two years after the date of application for the provisional license.

Any valid Minnesota driver's license issued to a person then or subsequently on active duty with the Armed Forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from such service, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state."

Renumber the subdivisions and sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Thissen amendment and the roll was called. There were 43 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Carlson	Dill	Entenza	Hausman	Hornstein
Atkins	Clark	Dorn	Goodwin	Hilstrom	Huntley
Bernardy	Davnie	Ellison	Greiling	Hilty	Jaros

Johnson, S.	Lesch	Murphy	Rukavina	Thao
Juhnke	Lieder	Nelson, M.	Sertich	Thissen
Kahn	Mahoney	Otremba	Sieben	Wagenius
Kelliher	Mariani	Paymar	Slawik	Walker
Latz	Mullery	Pugh	Solberg	Wasiluk

Those who voted in the negative were:

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

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

Stanek moved to amend H. F. No. 1, the first engrossment, as follows:

Page 4, lines 32 and 35, delete "Justice" and insert "Homeland Security"

Page 9, lines 28 and 31, delete "Justice" and insert "Homeland Security"

Page 10, line 19, delete "Justice" and insert "Homeland Security"

The motion prevailed and the amendment was adopted.

H. F. No. 1, as amended, was read for the third time.

There being no objection, the action whereby H. F. No. 1, as amended, was given its third reading was reconsidered.

The Speaker called Abrams to the Chair.

Rukavina and Stanek moved to amend H. F. No. 1, the first engrossment, as amended, as follows:

Page 11, lines 28 to 30, reinstate the stricken language

Page 11, line 28, after the reinstated "clause" insert "(4)," and after the reinstated "(7)" insert a comma

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Paulsen moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 1, A bill for an act relating to public safety; regulating information on drivers' licenses, permits, and identification cards, and applications for them; adopting certain federal laws and regulations; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.14; 171.22, subdivision 2; 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 171.

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 106 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeler	Borrell	Demmer	Fuller	Howes	Kuisle
Abrams	Boudreau	Dempsey	Gerlach	Huntley	Lanning
Adolphson	Bradley	Dill	Gunther	Jacobson	Larson
Anderson, B.	Brod	Dorman	Haas	Johnson, J.	Latz
Anderson, I.	Buesgens	Dorn	Hackbarth	Kielkucki	Lenczewski
Anderson, J.	Carlson	Eastlund	Harder	Klinzing	Lieder
Atkins	Cornish	Eken	Heidgerken	Knoblach	Lindgren
Beard	Cox	Erhardt	Hilstrom	Koenen	Lindner
Bernardy	Davids	Erickson	Holberg	Kohls	Lipman
Blaine	DeLaForest	Finstad	Hoppe	Krinkie	Magnus

Marquart	Olsen, S.	Penas	Severson	Stang	Wardlow
McNamara	Olson, M.	Peterson	Sieben	Strachan	Wasiluk
Meslow	Opatz	Pugh	Simpson	Swenson	Westerberg
Mullery	Osterman	Rhodes	Slawik	Sykora	Westrom
Nelson, C.	Otremba	Ruth	Smith	Tingelstad	Wilkin
Nelson, M.	Ozment	Samuelson	Soderstrom	Urdahl	Spk. Sviggum
Nelson, P.	Paulsen	Seagren	Solberg	Vandevveer	
Nornes	Pelowski	Seifert	Stanek	Walz	

Those who voted in the negative were:

Clark	Greiling	Johnson, S.	Mahoney	Sertich
Davnie	Hausman	Juhnke	Mariani	Thao
Ellison	Hilty	Kahn	Murphy	Thissen
Entenza	Hornstein	Kelliher	Paymar	Wagenius
Goodwin	Jaros	Lesch	Rukavina	Walker

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

MOTIONS AND RESOLUTIONS

Stanek moved that the name of Abeler be added as an author on H. F. No. 114. The motion prevailed.

Goodwin moved that the name of Abeler be added as an author on H. F. No. 116. The motion prevailed.

Olsen, S., moved that the name of Abeler be added as an author on H. F. No. 120. The motion prevailed.

Carlson moved that the name of Abeler be added as an author on H. F. No. 127. The motion prevailed.

Seifert moved that the name of Samuelson be added as an author on H. F. No. 162. The motion prevailed.

Haas moved that the names of Abeler and Nornes be added as authors on H. F. No. 164. The motion prevailed.

Marquart moved that the name of Larson be added as an author on H. F. No. 198. The motion prevailed.

Rhodes moved that the names of Thissen, Otremba and Cox be added as authors on H. F. No. 232. The motion prevailed.

Carlson moved that the name of Cox be added as an author on H. F. No. 233. The motion prevailed.

Nelson, C., moved that the names of Samuelson; Thissen; Anderson, J.; Wardlow; Larson and DeLaForest be added as authors on H. F. No. 247. The motion prevailed.

Paulsen offered the following resolution and moved its adoption:

Resolved, that the Chief Clerk be directed to invite the Governor by message to address a Joint Convention of the House of Representatives and the Senate to be held in the House Chamber on Tuesday, February 4, 2003, and that the Chief Clerk also be instructed to invite the Senate by message. The Joint Convention shall convene at 11:45 a.m., and the address by the Governor shall be delivered at 12:00 noon.

The motion prevailed and the resolution was adopted.

Paulsen offered the following resolution and moved its adoption:

Resolved, that the Speaker be directed to appoint a committee of five members on the part of the House of Representatives to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber on Tuesday, February 4, 2003. The Joint Convention shall convene at 11:45 a.m., and the address by the Governor shall be delivered at 12:00 noon.

The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the committee to escort the Governor to the House Chamber on Tuesday, February 4, 2003:

Wilkin, Hackbarth, Soderstrom, Lindgren and Clark.

ADJOURNMENT

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

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

EDWARD A. BURDICK, Chief Clerk, House of Representatives