STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

FIFteenth DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 10, 2003

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 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 Speaker administered the oath of office to the new House member, Duke Powell, from District 40A. His certificate of election is on file. He was elected in a special election held on Monday, February 3, 2003, to replace Dan McElroy whose resignation was effective at 12:00 noon on Monday, January 6, 2003.

The roll was called and the following members were present:

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

A quorum was present.

Dorman; Hilstrom; Meslow; Nelson, C.; Olson, M.; Penas; Ruth and Westrom were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Heiderken moved that further reading of the Journals be suspended and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.
Sykora from the Committee on Education Policy to which was referred:

H. F. No. 2, A bill for an act relating to education; repealing and replacing the profile of learning; requiring legislative review of proposed statewide rigorous core academic standards in language arts, mathematics, science, and history and geography; repealing portions of Minnesota Rules, chapter 3501; proposing coding for new law in Minnesota Statutes, chapter 120B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [120B.001] [REPEALING PROFILE OF LEARNING STATUTES AND RULES.]

Notwithstanding sections 120B.02, 120B.031, 120B.30, 120B.31, and 120B.35, or other law to the contrary, the commissioner of children, families, and learning must not implement the profile of learning portion of the state's results-oriented graduation rule and all rules under Minnesota Rules, chapter 3501, related to the profile of learning portion of the state's results-oriented graduation rule described in this chapter are repealed.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to the 2003-2004 school year and later.

Sec. 2. [REPLACING PROFILE OF LEARNING STATUTES AND RULES.]

Subdivision 1. [STAKEHOLDER ADVICE ON STANDARDS.] The commissioner of children, families, and learning must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, and history and geography to replace the profile of learning:

(1) parents of school-age children and members of the public throughout the state;

(2) teachers throughout the state currently licensed and providing instruction in language arts, mathematics, science, or history and geography and licensed elementary and secondary school principals throughout the state currently administering a school site;

(3) currently serving members of local school boards and charter school boards throughout the state;

(4) faculty teaching core subjects at postsecondary institutions in Minnesota; and

(5) representatives of the Minnesota business community.

Subd. 2. [PARAMETERS FOR ACADEMIC STANDARDS.] The academic standards must:

(1) be based on factual, objective, verifiable knowledge in English, mathematics, science, and history and geography;

(2) be clear, concise, measurable, and grade-level appropriate;

(3) preserve and promote fundamental American principles stated in the Declaration of Independence and the Constitution of the United States and other such principles as national sovereignty, natural law, and free market enterprise;
(4) not mandate a specific teaching methodology nor include work-based learning or any other content standard inconsistent with this subdivision; and

(5) be assessed using tests aligned with the academic standards established under this section.

Subd. 3. [COMMISSIONER TO PRESENT PROPOSED RULES TO THE LEGISLATURE.] (a) The commissioner must present to the legislature proposed rules for implementing statewide rigorous core academic standards in language arts, mathematics, science, and history and geography as follows:

(1) by April 15, 2003, present proposed rules for implementing statewide rigorous core academic standards in language arts and mathematics;

(2) present a statewide plan for students, educators, schools, and school districts to make the transition from the profile of learning to the standards described under this act;

(3) by March 1, 2004, present proposed rules for implementing statewide rigorous core academic standards in science;

(4) by March 1, 2005, present proposed rules for implementing statewide rigorous core academic standards in history and geography.

(b) All proposed rules the commissioner presents must comply with the requirements of this section.

(c) A school district, no later than the 2007-2008 school year, must incorporate into its existing locally established graduation requirements the state graduation requirements premised on rules proposed under this section. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the ninth grade in or before the 2004-2005 school year with the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the ninth grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10, 120B.11, and 120B.20.

Subd. 4. [RULES IMPLEMENTING READING AND MATH STANDARDS.] The commissioner must adopt rules under Minnesota Statutes, section 14.388, clause (2), for implementing the statewide rigorous core academic standards in language arts and mathematics described in subdivision 2, clause (1).

[EFFECTIVE DATE.] Subdivisions 1, 2, and 3 are effective the day following final enactment. Subdivision 4 is effective April 30, 2003.

Sec. 3. [INTERIM ALTERNATIVE.]

If the legislature does not authorize the commissioner under section 2, subdivision 4, to adopt rules to implement statewide rigorous core academic standards in language arts and mathematics that are effective for the 2003-2004 school year, each school district and charter school shall continue to implement academic language arts and mathematics standards consistent with Minnesota Statutes 2002, section 120A.22, subdivision 9, until such rules to implement statewide rigorous core academic standards in language arts and mathematics are adopted.

[EFFECTIVE DATE.] This section is effective the day following final enactment.”
Delete the title and insert:

"A bill for an act relating to education; repealing and replacing the profile of learning; providing for expedited rulemaking; repealing certain portions of Minnesota Rules, chapter 3501; proposing coding for new law in Minnesota Statutes, chapter 120B."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 15, A bill for an act relating to health; modifying MinnesotaCare eligibility requirements for persons with continuation coverage; amending Minnesota Statutes 2002, section 256L.07, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 13, delete "subdivisions 2 and" and insert "subdivision"

Page 1, after line 19, insert:

"[EFFECTIVE DATE.] This section is effective July 1, 2003, or upon federal approval, whichever is later."

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Human Services Finance without further recommendation.

The report was adopted.

Seagren from the Committee on Education Finance to which was referred:

H. F. No. 127, A resolution memorializing the President and Congress to carry through on their pledge to fund 40 percent of special education costs.

Reported the same back with the following amendments:

Page 1, line 15, delete "15" and insert "18"

With the recommendation that when so amended the bill pass.

The report was adopted.
SECOND READING OF HOUSE BILLS

H. F. No. 127 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Buesgens introduced:

H. F. No. 342, A bill for an act relating to liquor; authorizing the city of Elko to issue an on-sale intoxicating liquor license to the Elko Speedway.

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

Abeler, DeLaForest, Hackbarth, Goodwin, Tinglestad and Bernardy introduced:

H. F. No. 343, A bill for an act relating to motor vehicles; allowing sales to other dealers by limited used vehicle dealers; exempting donations of vehicles to individuals by a licensed limited used vehicle dealer from motor vehicle sales tax; amending Minnesota Statutes 2002, sections 168.27, subdivision 4a; 297B.01, subdivision 7.

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

Dorman, Marquart, Davids and Gunther introduced:

H. F. No. 344, A bill for an act relating to economic development; providing for job enhancement as a goal of business financing programs; converting the Minnesota investment fund to a revolving loan fund; appropriating money; amending Minnesota Statutes 2002, sections 41A.036, subdivision 2; 116J.011; 116J.411, by adding a subdivision; 116J.415, subdivisions 1, 5; 116J.8731, subdivisions 1, 4, 5, 7; 116J.994, subdivision 4; 116J.995.

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

Greiling; Wagenius; Goodwin; Biernat; Eken; Mullery; Nelson, M.; Lenczewski and Hilstrom introduced:

H. F. No. 345, A bill for an act relating to telephone solicitations; closing loopholes in the do-not-call list; modifying a definition; amending Minnesota Statutes 2002, section 325E.311, subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.
Abeler, Opatz, Boudreau, Smith and Huntley introduced:

H. F. No. 346, A bill for an act relating to health; modifying provisions relating to the practice of speech-language pathology or audiology; amending Minnesota Statutes 2002, sections 148.511; 148.512, subdivisions 2, 4, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 20; 148.513; 148.514; 148.515, subdivisions 2, 4; 148.516; 148.5161; 148.517; 148.518; 148.519; 148.5191; 148.5193, subdivisions 1, 4, 6, 6a, 7, 8; 148.5194, subdivisions 1, 2, 3, 3a; 148.5195, subdivisions 2, 3, 4, 5, 6; 148.5196; 153A.14, subdivisions 2a, 2i; 153A.17; 153A.20, subdivision 1; repealing Minnesota Statutes 2002, sections 148.512, subdivision 11; 148.515, subdivisions 3, 5.

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

Eastlund; Kielkucki; Johnson, J.; Buesgens and Abeler introduced:

H. F. No. 347, A bill for an act relating to education; repealing the mandate for three additional days of student instruction or staff development training; repealing Minnesota Statutes 2002, section 120A.41.

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

Kielkucki, Buesgens, Abeler, Eken and Demmer introduced:

H. F. No. 348, A bill for an act relating to education; extending the time period during which type III vehicles may be used to transport school children; amending Minnesota Statutes 2002, section 169.454, subdivision 2.

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

Sertich and Rukavina introduced:

H. F. No. 349, A bill for an act relating to retirement; authorizing Vietnam veterans to purchase service credit in the public employees retirement association for certain periods for a defined amount; amending Minnesota Statutes 2002, section 353.01, subdivision 16a.

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

Paymar introduced:

H. F. No. 350, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 2002, sections 2.021; 2.031, subdivision 1; repealing Minnesota Statutes 2002, section 2.031, subdivision 2.

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

H. F. No. 351, A bill for an act relating to education; redefining middle school to include a minimum of two grades instead of three grades; amending Minnesota Statutes 2002, section 120A.05, subdivision 11.

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

Wilkin; Otremba; Kielkucki; Olson, M.; Penas; Finstad; Olsen, S.; Strachan; Samuelson; Anderson, B.; Walz; Wardlow; Klinzing; Blaine; Johnson, J.; Smith; Erickson; Lindner; Bradley; Seifert; Urdahl; Davids; Lindgren; Demmer; Severson; Borrell; Soderstrom; Eastlund; Harder; Nelson, P.; Cornish; Simpson; Kohls; Dill and Holberg introduced:

H. F. No. 352, A bill for an act relating to health; requiring parental consent for certain medical treatment; permitting parental access to minor's medical records; amending Minnesota Statutes 2002, sections 121A.22, subdivision 2; 144.335, subdivision 1; 144.342; repealing Minnesota Statutes 2002, sections 144.343, subdivision 1; 144.3441.

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

Lieder and Kuisle introduced:

H. F. No. 353, A bill for an act relating to school safety; directing the commissioner of transportation to make grants of federal transportation enhancement funds to the Minnesota safety council for use as grants to school districts for development and implementation of safe routes to school programs; proposing coding for new law in Minnesota Statutes, chapter 174.

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

Jaros introduced:

H. F. No. 354, A bill for an act relating to education; modifying the membership of district school boards; amending Minnesota Statutes 2002, section 123B.09, subdivisions 1, 5; repealing Minnesota Statutes 2002, sections 123B.09, subdivision 4; 123B.195.

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

Dorman, Marquart, Davids, Gunther and Eken introduced:

H. F. No. 355, A bill for an act relating to taxation; providing for a regional investment credit; amending Minnesota Statutes 2002, section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.
Dempsey, Erickson, Strachan, Swenson and Otremba introduced:

H. F. No. 356, A bill for an act relating to liquor; authorizing the commissioner of public safety to issue a license to the state agricultural society for on-sale of Minnesota produced wine at the state fair.

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

Rukavina, Davids, Sertich, Gunther and Rhodes introduced:

H. F. No. 357, A bill for an act relating to state government; regulating investments made by the state board of investment; authorizing certain resource investments; amending Minnesota Statutes 2002, section 11A.24, subdivisions 3, 5, by adding a subdivision.

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

Peterson, Seifert, Magnus, Harder and Koenen introduced:

H. F. No. 358, A bill for an act relating to water; authorizing the sale of state bonds; appropriating money for the LQP-25/Lazarus creek floodwater retention project.

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

Rukavina; Davids; Sertich; Anderson, I.; Solberg and Dill introduced:

H. F. No. 359, A bill for an act relating to mining; specifying duties of owners and operators when operations are discontinued; amending Minnesota Statutes 2002, section 93.003.

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

Lenczewski introduced:

H. F. No. 360, A bill for an act relating to lawful gambling; allowing expenditures of net profits for utility bills for buildings owned or leased by and used as primary headquarters for certain fraternal organizations; amending Minnesota Statutes 2002, section 349.12, subdivision 25.

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

Kiellucki, Seifert, Blaine, Hilty and Sertich introduced:

H. F. No. 361, A bill for an act relating to elections; providing procedures and criteria for calling special elections to fill vacancies in certain instances; amending Minnesota Statutes 2002, sections 365.52, subdivision 1, by adding a subdivision; 367.03, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.
Wasiluk, Lenczewski and Pugh introduced:

H. F. No. 362, A bill for an act relating to taxation; sales and use; exempting the purchase of certain property used in constructing a municipal building in the city of North St. Paul; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

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

Gunther, Ozment, Solberg, Rhodes and Johnson, S., introduced:

H. F. No. 363, A bill for an act relating to fire protection industry licensing; requiring certification for installers of multipurpose potable water piping systems; requiring licensing for multipurpose potable water piping system contractors; amending Minnesota Statutes 2002, sections 299M.01, by adding subdivisions; 299M.03, by adding subdivisions; 299M.04; 299M.11, subdivisions 1, 2.

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

Fuller, Lindgren, Howes, Simpson, Pugh and Eken introduced:

H. F. No. 364, A bill for an act relating to taxation; delaying date by which taxes on certain resort property must be paid; amending Minnesota Statutes 2002, sections 278.03, subdivision 1; 279.01, subdivision 1, by adding a subdivision.

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

Johnson, J.; Paulsen; Lindner; Osterman; Cox; Nelson, P.; Borrell; Brod; Erickson; Normes; Klinzing; Hoppe; Kohls; Beard and Sykora introduced:

H. F. No. 365, A bill for an act relating to education; eliminating unneeded mandates affecting kindergarten through grade 12 public schools; amending Minnesota Statutes 2002, sections 120A.41; 177.42, subdivision 2; repealing Minnesota Statutes 2002, sections 122A.60; 122A.61; 123B.05; 126C.12; 126C.125.

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

Dill and Anderson, I., introduced:

H. F. No. 366, A bill for an act relating to environment and natural resources; reinstating the citizens council on Voyageurs National Park; appropriating money; amending Laws 2002, chapter 298, section 8.

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

Dill introduced:

H. F. No. 367, A bill for an act relating to state lands; providing for the reconveyance of land to Cook county free of a reversionary clause.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.
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 Senate File, herewith transmitted:

S. F. No. 94.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 94, A bill for an act relating to state lands; correcting a land description; amending Laws 1993, chapter 64, section 1, subdivision 3.

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

CONSENT CALENDAR

H. F. No. 95, A bill for an act relating to commerce; eliminating an archaic prohibition on misrepresenting the size of certain items; repealing Minnesota Statutes 2002, section 325F.38.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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<th>Abeler</th>
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<th>Fuller</th>
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The bill was passed and its title agreed to.

H. F. No. 120. A bill for an act relating to education; eliminating a duplicative requirement that a teacher file a certified copy of the teacher's teaching license with the employing school district; enabling a school district to verify the status of a teacher's license using the Minnesota education license system available on the department of children, families, and learning Web site; amending Minnesota Statutes 2002, section 122A.22.

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 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler, Abrams, Adolphson, Anderson, B., Anderson, I., Anderson, J., Atkins, Beard, Bernardy, Biernat, Blaine, Borrell, Boudreau, Bradley, Brod, Buesgens, Carlson, Clark, Cornish, Cox, Davids

Heidgerken, Hilty, Holberg, Hoppe, Hornstein, Jacobson, Jaros, Johnson, J., Johnson, S., Juhnke, Erickson, Finstad, Fuller, Gerlach, Giebel, Gunther, Haas, Hack Barth, Harder, Hausman

Lanning, Larson, Latz, Lenczewski, Lesch, Lieder, Lindgren, Lindner, Lipman, Magnus, Mahoney, Mariani, Marquart, McNamara, Mullery, Murphy, Nelson, M., Nelson, P., Nornes, Olsen, S., Opatz

Osterman, Otremba, Ozment, Paulsen, Paymar, Pelowski, Peterson, Powell, Pugh, Rukavina, Rhodes, Samuelson, Seagren, Seifert, Sertich, Severson, Sieben, Simpson, Slawik, Smith, Soderstrom

Those who voted in the negative were:

Goodwin

The bill was passed and its title agreed to.

MOTIONS AND RESOLUTIONS

Borrell moved that his name be stricken as an author on H. F. No. 9. The motion prevailed.

Entenza moved that the name of Sieben be added as an author on H. F. No. 46. The motion prevailed.
Paymar moved that the name of Walker be added as an author on H. F. No. 105. The motion prevailed.

Thao moved that his name be stricken as an author on H. F. No. 107. The motion prevailed.

Abeler moved that the name of Nelson, C., be added as an author on H. F. No. 160. The motion prevailed.

Rhodes moved that the name of Erhardt be added as an author on H. F. No. 232. The motion prevailed.

Nelson, C., moved that the name of Swenson be added as an author on H. F. No. 247. The motion prevailed.

Johnson, S., moved that the name of Wasiluk be added as an author on H. F. No. 249. The motion prevailed.

Sertich moved that the name of Sieben be added as an author on H. F. No. 270. The motion prevailed.

Vandeveer moved that the names of Lenczewsksi and Cox be added as authors on H. F. No. 283. The motion prevailed.

Kahn moved that the name of Cox be added as an author on H. F. No. 289. The motion prevailed.

Haas moved that the names of Boudreau, Penas, Erhardt and Westerberg be added as authors on H. F. No. 297. The motion prevailed.

Sykora moved that the name of Westerberg be added as an author on H. F. No. 301. The motion prevailed.

Hackbarth moved that the name of Westerberg be added as an author on H. F. No. 315. The motion prevailed.

Hackbarth moved that the name of Westerberg be added as an author on H. F. No. 316. The motion prevailed.

Lanning moved that the name of Greiling be added as an author on H. F. No. 319. The motion prevailed.

Hoppe moved that the name of Lenczewsksi be added as an author on H. F. No. 328. The motion prevailed.

McNamara moved that the names of Lenczewsksi and Cox be added as authors on H. F. No. 335. The motion prevailed.

Davnie moved that the names of Lenczewsksi and Walker be added as authors on H. F. No. 339. The motion prevailed.

Davids moved that his name be stricken as an author on H. F. No. 341. The motion prevailed.

Lindner moved that the name of Westerberg be added as an author on H. F. No. 341. The motion prevailed.

Hilty moved that H. F. No. 192 be returned to its author. The motion prevailed.

Dempsey moved that H. F. No. 215 be returned to its author. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, February 13, 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., Thursday, February 13, 2003.