

## STATE OF MINNESOTA

## EIGHTY-FIRST SESSION — 1999

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 THIRTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 4, 1999

The House of Representatives convened at 1:30 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Galen Call, Grace Church, Roseville, 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	Dorman	Holberg	Luther	Ozment	Storm
Abrams	Dorn	Holsten	Mahoney	Paulsen	Swenson
Anderson, B.	Entenza	Howes	Mares	Pawlenty	Sykora
Anderson, I.	Erhardt	Huntley	Mariani	Paymar	Tingelstad
Bakk	Erickson	Jaros	Marko	Pelowski	Tomassoni
Biernat	Finseth	Jennings	McCollum	Peterson	Trimble
Bishop	Folliard	Juhnke	McElroy	Pugh	Tuma
Boudreau	Fuller	Kalis	McGuire	Rest	Tunheim
Bradley	Gerlach	Kelliher	Milbert	Reuter	Van Dellen
Broecker	Gleason	Kielkucki	Molnau	Rhodes	Vandever
Buesgens	Goodno	Knoblach	Mulder	Rifenberg	Wagenius
Carlson	Gray	Koskinen	Mullery	Rostberg	Wejzman
Carruthers	Greenfield	Krinkie	Munger	Rukavina	Wenzel
Cassell	Greiling	Kubly	Murphy	Schumacher	Westerberg
Chaudhary	Gunther	Kuisle	Ness	Seagren	Westfall
Clark, J.	Haake	Larsen, P.	Nornes	Seifert, J.	Westrom
Clark, K.	Haas	Larson, D.	Olson	Seifert, M.	Wilkin
Daggett	Hackbarth	Leighton	Opatz	Skoe	Winter
Davids	Harder	Lenczewski	Orfield	Skoglund	Wolf
Dawkins	Hasskamp	Leppik	Osskopp	Smith	Workman
Dehler	Hausman	Lieder	Osthoff	Solberg	Spk. Sviggum
Dempsey	Hilty	Lindner	Otremba	Stang	

A quorum was present.

Johnson, Kahn and Stanek were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Seifert, 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.

## REPORTS OF STANDING COMMITTEES

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 7, A bill for an act relating to motor vehicles; repealing the motor vehicle emissions inspection program on July 1, 2000; amending Minnesota Statutes 1998, section 116.62, subdivision 3; repealing Minnesota Statutes 1998, sections 116.60; 116.61; 116.62; 166.63; and 116.64.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment and Natural Resources Policy.

The report was adopted.

Mares from the Committee on Education Policy to which was referred:

H. F. No. 14, A bill for an act relating to education; providing that a person convicted of criminal sexual conduct is ineligible to be licensed as a teacher; amending Minnesota Statutes 1998, sections 122A.20, subdivision 1; 122A.40, subdivisions 5 and 13; 122A.41, subdivision 6; and 631.40, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Crime Prevention.

The report was adopted.

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

H. F. No. 40, A bill for an act relating to health; allowing nursing facility residents to request the use of a restraint; amending Minnesota Statutes 1998, section 144A.10, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 144.651, is amended by adding a subdivision to read:

Subd. 33. [RESTRAINTS.] (a) Competent nursing facility residents, family members of residents who are not competent, and legally appointed conservators, guardians, and health care agents as defined under section 145C.01, have the right to request and consent to the use of a physical restraint in order to treat the medical symptoms of the resident.

(b) Upon receiving a request for a physical restraint, a nursing facility shall inform the resident, family member, or legal representative of alternatives to and the risks involved with physical restraint use. The nursing facility shall provide a physical restraint to a resident only upon receipt of a signed consent form authorizing restraint use and an order from the attending physician that contains statements and determinations regarding medical symptoms.

(c) A nursing facility shall not be subject to fines, civil money penalties, or other survey enforcement remedies, as a result of the provision of physical restraints as authorized by this subdivision.

(d) For purposes of this subdivision, "medical symptoms" include a concern for the physical safety of the resident.

Sec. 2. Minnesota Statutes 1998, section 144.651, is amended by adding a subdivision to read:

Subd. 34. [DETERMINATION OF COMPLIANCE.] When determining nursing facility compliance with state and federal standards for the use of physical restraints, the commissioner of health is bound by the statements and determinations in the attending physician's order regarding medical symptoms. For purposes of this order, "medical symptoms" include the request by a competent resident, family member of a resident who is not competent, or legally appointed conservator, guardian, or health care agent as defined under section 145C.01, that the facility provide a physical restraint in order to ensure the physical safety of the resident.

Delete the title and insert:

"A bill for an act relating to health; allowing a nursing facility resident to request and consent to the use of a physical restraint; amending Minnesota Statutes 1998, section 144.651, by adding subdivisions."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Mares from the Committee on Education Policy to which was referred:

H. F. No. 58, A bill for an act relating to education; retroactively authorizing independent school district No. 912, Milaca, to start its school year prior to Labor Day.

Reported the same back with the following amendments:

Page 1, line 11, delete "any day prior to Labor Day" and insert "August 24, 1998"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 214, A bill for an act relating to health; modifying volunteer ambulance attendant provisions; amending Minnesota Statutes 1998, sections 144E.001, by adding a subdivision; and 144E.35, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 17, after the comma, insert "or other nominal fee."

Page 1, line 18, delete "is" and insert "or other nominal fees are"

Page 1, line 19, delete "does" and insert "and other nominal fees do"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

H. F. No. 216, A bill for an act relating to corrections; clarifying the law authorizing transfer of prisoners between jails and workhouses; amending Minnesota Statutes 1998, section 643.01.

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

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

H. F. No. 240, A bill for an act relating to sheriffs; authorizing sheriffs to expend money from the sheriff's contingent fund for investigating DWI-related violations; amending Minnesota Statutes 1998, section 387.213.

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

The report was adopted.

Davids from the Committee on Commerce to which was referred:

H. F. No. 248, A bill for an act relating to financial institutions; permitting location of a branch bank in the town of Crooked Lake under certain conditions.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 281, A bill for an act relating to state government; requiring the legislative coordinating commission to appoint a bicameral group to review administrative rules; specifying certain duties of the group; amending Minnesota Statutes 1998, sections 3.841; and 3.842, subdivisions 1, 2, and 3.

Reported the same back with the following amendments:

Page 1, line 18, after the period, insert "The group must include at least one member of the minority caucus from each house."

Page 2, line 13, strike "subdivisions 5, 6, 7, 8, 9, and" and insert "subdivision"

Page 2, line 22, after the period, insert "Upon written request of two or more of its members or five or more members of the legislature, the bicameral group must hold a public hearing to review a rule."

Page 2, after line 29, insert:

"Sec. 5. [REPEALER.]

Minnesota Statutes 1998, section 3.305, subdivision 8, is repealed."

Page 2, line 31, delete "4" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, before the period, insert "; repealing Minnesota Statutes 1998, section 3.305, subdivision 8"

With the recommendation that when so amended the bill pass.

The report was adopted.

Abrams from the Committee on Taxes to which was referred:

H. F. No. 380, A bill for an act relating to taxation; making technical corrections to income, property, sales, MinnesotaCare, and certain special taxes; making technical corrections to certain state tax administrative provisions; amending Minnesota Statutes 1998, sections 60A.15, by adding a subdivision; 271.01, subdivision 5; 271.21, subdivision 2; 273.111, subdivision 3; 273.124, subdivision 13; 289A.40, subdivision 1; 289A.60, subdivisions 3 and 21; 290.0671, subdivision 1; 290.0921, subdivision 5; 290.095, subdivision 3; 290.17, subdivision 4; 295.50, subdivision 9b; 295.55, subdivisions 2 and 3; 295.57, by adding a subdivision; 297A.15, subdivision 5; 297F.01, subdivision 23; 297F.17, subdivision 6; 297H.01, subdivision 12; 297H.05; and 297H.06, subdivision 2; repealing Minnesota Statutes 1998, sections 273.11, subdivision 10; 297E.12, subdivision 3; 297F.19, subdivision 4; and 297G.18, subdivision 4.

Reported the same back with the following amendments:

Pages 9 to 11, delete section 3

Page 16, line 31, delete everything after the period

Page 16, line 32, delete everything before "Sections" and delete "4 and 5" and insert "3 and 4"

Pages 16 and 17, delete section 1

Pages 18 and 19, delete section 4

Page 19, line 6, delete everything after "and" and insert "2"

Page 19, line 7, delete everything before "are"

Pages 20 and 21, delete sections 4 and 5

Page 23, line 18, delete "4, and 6" and insert "and 4"

Page 23, line 20, delete everything after the period

Page 23, delete line 21

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "273.111, subdivision 3;"

Page 1, line 12, delete "295.50, subdivision 9b;"

Page 1, line 13, delete everything after the first semicolon

Page 1, lines 15 and 16, delete "297H.01, subdivision 12; 297H.05;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Ness from the Committee on Agriculture and Rural Development Finance to which was referred:

H. F. No. 414, A bill for an act relating to agriculture; extending the program for control of pseudorabies in swine; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 58, 214, 216, 240, 248, 281 and 380 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Hilty, Solberg, Davids, Dempsey and Holsten introduced:

H. F. No. 496, A bill for an act relating to liquor; modifying sales regulations for farm wineries; amending Minnesota Statutes 1998, section 340A.315, subdivision 2.

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

Rest, Greiling and Seifert, M., introduced:

H. F. No. 497, A bill for an act relating to elections; providing for a runoff election if no candidate for certain offices at a state general or special election receives a majority of the votes cast; appropriating money; amending Minnesota Statutes 1998, sections 10A.25, subdivision 2; 204B.35, subdivision 4; and 204C.33, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 204D.

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

Erhardt introduced:

H. F. No. 498, A bill for an act relating to MinnesotaCare tax; clarifying the definition of patient services; amending Minnesota Statutes 1998, section 295.50, subdivisions 4 and 9b.

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

Seifert, J.; Goodno; Bradley; Huntley; Greenfield; Mariani; Koskinen; Haas; Nornes; Pugh; Wejzman; Dorn; Jennings; Otremba; Lieder; Paymar; Boudreau; Sykora; Rhodes; Holsten; Gray; Mulder; Bishop; Mares; Solberg; Vandever; Olson; Carruthers; Seagren and Wilkin introduced:

H. F. No. 499, A bill for an act relating to human services; providing reimbursement increases to certain health care providers; authorizing pay increases for certain employees; appropriating money.

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

Mulder, Goodno, Huntley, Bradley, Boudreau, Skoe, Storm, Kuisle, Howes, Juhnke, Lieder, Dorn, Tomassoni, Fuller and Knobloch introduced:

H. F. No. 500, A bill for an act relating to human services; increasing prepaid medical assistance and prepaid general assistance medical care program contract rates for nonmetropolitan counties; amending Minnesota Statutes 1998, section 256B.69, subdivision 5b.

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

Davids introduced:

H. F. No. 501, A bill for an act relating to health; providing for an inactive status of licensed beds in nursing homes; establishing a two-year moratorium on certain nursing facility monetary penalties; amending Minnesota Statutes 1998, sections 144.122; 144A.01, by adding a subdivision; 256.9657, subdivision 1; 256B.0911, subdivision 6; and 256B.431, subdivisions 2r, 3a, and 22; proposing coding for new law in Minnesota Statutes, chapter 144A.

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

Osskopp introduced:

H. F. No. 502, A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Wabasha county.

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

Anderson, I., introduced:

H. F. No. 503, A bill for an act relating to appropriations; appropriating money for a grant to the city of Little Fork for a community center, recreation complex, and general grandstand.

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

Skoe and Lieder introduced:

H. F. No. 504, A bill for an act relating to education; appropriating money for a new facility for Pine Point school and for a community center.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Swenson, Munger, Hausman, Howes and Tingelstad introduced:

H. F. No. 505, A bill for an act relating to game and fish; allowing subagents to retain a commission on the sale of sporting licenses; amending Minnesota Statutes 1998, section 97A.485, by adding a subdivision.

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

Greiling, Rest and Carlson introduced:

H. F. No. 506, A bill for an act relating to elections; requiring certain special primaries and elections to be conducted by mail; changing certain election schedules; amending Minnesota Statutes 1998, sections 204D.19, subdivisions 1 and 2; 204D.20, subdivision 1; 204D.21, subdivisions 2 and 3; 204D.22, subdivision 3; and 204D.23, subdivision 2; repealing Minnesota Statutes 1998, section 204D.19, subdivision 3.

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

Daggett; Milbert; Pawlenty; Sviggum; Pugh; Hasskamp; Dorman; Kuisle; Rukavina; Wolf; Jennings; Mares; Solberg; Van Dellen; Osskopp; Carruthers; Rhodes; Tomassoni; Boudreau; Rest; Rifenberg; Ozment; Lenczewski; Clark, J.; Johnson; Nornes; McCollum; Harder; Haake; Otremba; Westfall; Leighton; Storm; Larson, D., and Howes introduced:

H. F. No. 507, A bill for an act relating to taxation; reducing the rates of the taxes on lawful gambling; amending Minnesota Statutes 1998, section 297E.02, subdivisions 1, 4, and 6.

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

Van Dellen, Pugh, Erhardt, Paulsen, Hackbarth and Hasskamp introduced:

H. F. No. 508, A bill for an act relating to taxation; providing a reduced class rate for certain property bordering public waters; amending Minnesota Statutes 1998, section 273.13, subdivision 23.

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

Swenson, Erickson, Rostberg, Westrom and Westfall introduced:

H. F. No. 509, A bill for an act relating to agriculture; providing for shared savings loans for demonstration projects of manure digester technology; requiring purchase of energy from manure waste methane recovery systems; providing rebates; appropriating money; amending Minnesota Statutes 1998, section 17.115, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Biernat and Smith introduced:

H. F. No. 510, A bill for an act relating to child support; eliminating the administrative process for child and medical support orders; providing for the appointment of family law magistrates to handle child and medical support and related family law proceedings; appropriating money; amending Minnesota Statutes 1998, sections 357.021, subdivision 1a; 518.551, subdivisions 12, 13, and 14; 518.575, subdivision 1; and 518.616, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 484; repealing Minnesota Statutes 1998, sections 518.5511; and 518.5512.

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

Erhardt, Daggett, Jennings, Kuisle, Hasskamp, Westfall and Westrom introduced:

H. F. No. 511, A bill for an act relating to property taxation; requiring a truth in taxation hearing for hospital districts; amending Minnesota Statutes 1998, section 275.065, subdivisions 3, 5a, and 6.

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

Koskinen, Huntley, McCollum, Dorn and Greenfield introduced:

H. F. No. 512, A bill for an act relating to health; expanding eligibility and eliminating the funding cap for the senior drug program; appropriating money; amending Minnesota Statutes 1998, section 256.955, subdivisions 1, 2, 3, and 4; Laws 1997, chapter 225, article 4, section 4.

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

Mares, Holsten, McCollum, Broecker and Vandever introduced:

H. F. No. 513, A bill for an act relating to recreation; appropriating money for a regional trail.

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

Chaudhary, Koskinen, Abeler, Vandever and Westerberg introduced:

H. F. No. 514, A bill for an act relating to counties; providing for an alternative method of describing real property for some purposes; proposing coding for new law in Minnesota Statutes, chapter 507.

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

Koskinen, Johnson, Abeler, Chaudhary and Vandever introduced:

H. F. No. 515, A bill for an act relating to counties; providing for alternative numbering of certain recorded and filed documents; amending Minnesota Statutes 1998, sections 386.31; and 508.38.

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

Opatz, Stang, Schumacher, Erickson and Dehler introduced:

H. F. No. 516, A bill for an act relating to education funding; increasing equity in Minnesota's school finance system; increasing the general education formula allowance; appropriating money; amending Minnesota Statutes 1998, sections 126C.10, subdivisions 1, 2, and by adding a subdivision; 126C.17, subdivision 5; and 127A.51.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Skoe and Lieder introduced:

H. F. No. 517, A bill for an act relating to taxation; advancing the dates for sending notices of proposed property taxes; amending Minnesota Statutes 1998, section 275.065, subdivisions 1, 1a, 1c, and 3.

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

Seifert, J.; Leighton; Pugh and Smith introduced:

H. F. No. 518, A bill for an act relating to civil actions; enacting the Uniform Correction or Clarification of Defamation Act; proposing coding for new law as Minnesota Statutes, chapter 553A.

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

Sykora, Leppik, Greiling, Paulsen and Entenza introduced:

H. F. No. 519, A bill for an act relating to education; recognizing cost of living differences among school districts; creating an index; adjusting the general education formula allowance; appropriating money; amending Minnesota Statutes 1998, sections 126C.05, by adding a subdivision; and 126C.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 126C.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Pelowski introduced:

H. F. No. 520, A bill for an act relating to capital improvements; appropriating money to the Minnesota state colleges and universities for projects at Winona State University.

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

Seagren, Kielkucki, Greiling, Erickson, Mares and Biernat introduced:

H. F. No. 521, A bill for an act relating to education; providing additional funds for facility and operating expenditures for the Minnesota Valley Academy and Synergy Residential Academy; appropriating money.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

McCollum introduced:

H. F. No. 522, A bill for an act relating to the military; establishing a program of tuition and textbook reimbursement grants for members of federal armed forces reserve components; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 192.

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

Rest and McGuire introduced:

H. F. No. 523, A bill for an act relating to children; requiring the state to make a cash investment for each child in the state; restricting the use of the amount invested; amending Minnesota Statutes 1998, section 290.01, subdivision 19b; proposing coding for new law in Minnesota Statutes, chapter 11A.

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

McCollum; Seifert, J.; Greiling and Broecker introduced:

H. F. No. 524, A bill for an act relating to historic sites; providing a grant to the city of Maplewood to relocate certain historic farm buildings; appropriating money.

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

Westerberg, Vandever, Abeler and Johnson introduced:

H. F. No. 525, A bill for an act relating to Anoka county; providing for city administration of the dangerous dog registration system.

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

Mullery, Orfield and Larsen, P., introduced:

H. F. No. 526, A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, section 1, as amended.

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

Clark, K.; Gunther; Mullery; Stanek and Gray introduced:

H. F. No. 527, A bill for an act relating to summer youth employment; appropriating money for learn to earn and community initiative programs.

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

Westrom, Westfall, Kuisle, Stang, Lieder, Juhnke, Nornes, Westerberg and Swenson introduced:

H. F. No. 528, A bill for an act relating to transportation; requiring department of transportation specifications for underground storage tanks to include certain types of fiberglass and steel tanks; 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 Policy.

Anderson, I., introduced:

H. F. No. 529, A bill for an act relating to employee relations; improving state employee access to medical clinics; amending Minnesota Statutes 1998, section 43A.23, by adding a subdivision.

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

### FISCAL CALENDAR

Pursuant to rule 1.22, Abrams requested immediate consideration of H. F. No. 1.

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

### CALL OF THE HOUSE

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

Abeler	Dorman	Holberg	Luther	Ozment	Storm
Abrams	Dorn	Holsten	Mahoney	Paulsen	Swenson
Anderson, B.	Entenza	Howes	Mares	Pawlenty	Sykora
Anderson, I.	Erhardt	Huntley	Mariani	Paymar	Tingelstad
Bakk	Erickson	Jaros	Marko	Pelowski	Tomassoni
Biernat	Finseth	Jennings	McCollum	Peterson	Trimble
Bishop	Folliard	Juhnke	McElroy	Pugh	Tuma
Boudreau	Fuller	Kalis	McGuire	Rest	Tunheim
Bradley	Gerlach	Kelliher	Milbert	Reuter	Van Dellen
Broecker	Gleason	Kielkucki	Molnau	Rhodes	Vandever
Buesgens	Goodno	Knoblach	Mulder	Rifenberg	Wagenius
Carlson	Gray	Koskinen	Mullery	Rostberg	Wejzman
Carruthers	Greenfield	Krinkie	Munger	Rukavina	Wenzel
Cassell	Greiling	Kubly	Murphy	Schumacher	Westerberg
Chaudhary	Gunther	Kuisle	Ness	Seagren	Westfall
Clark, J.	Haake	Larsen, P.	Nornes	Seifert, J.	Westrom
Clark, K.	Haas	Larson, D.	Olson	Seifert, M.	Wilkin
Daggett	Hackbarth	Leighton	Opatz	Skoe	Winter
Davids	Harder	Lenczewski	Orfield	Skoglund	Wolf
Dawkins	Hasskamp	Leppik	Osskopp	Smith	Workman
Dehler	Hausman	Lieder	Osthoff	Solberg	Spk. Sviggum
Dempsey	Hilty	Lindner	Otremba	Stang	

Molnau 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.

Abrams, Tuma, Dorman, Finseth, Westerberg, Paulsen, Cassell, Westfall, Dehler, Haake, Fuller, Holberg, Howes, Storm, Gerlach and Buesgens moved to amend H. F. No. 1, the second engrossment, as follows:

Page 1, line 6, after "INCOME" insert "AND PROPERTY"

Page 1, line 11, after the period, insert "The commissioner of revenue shall pay a property tax rebate to each individual who was eligible for a credit under Laws 1997, chapter 231, article 1, section 16, as amended by Laws 1997, First Special Session chapter 5, section 35, and Laws 1997, Third Special Session chapter 3, section 11, and Laws 1998, chapter 304, and Laws 1998, chapter 389, article 1, section 3, and who filed for that credit on or before April 15, 1999."

Page 1, line 18, before "rebate" insert "income tax"

Page 1, line 20, before "rebate" insert "income tax"

Page 2, line 1, before "rebate" insert "income tax"

Page 2, after line 8, insert:

"(c) The amount of the property tax rebate equals 88 percent of the rebate allowed to the individual under Laws 1997, chapter 231, article 1, section 16, as amended."

Page 2, line 13, delete "income tax" and "income"

Page 2, line 14, delete "tax"

Page 2, line 17, delete "income tax"

Page 2, line 20, delete "income tax"

Page 2, line 23, delete "income tax"

Page 2, line 25, delete "income tax"

Page 2, line 29, delete "income tax"

Page 2, line 36, delete "an" and insert "a"

Page 3, line 1, delete "income tax"

Page 3, line 2, delete "an" and insert "a"

Page 3, line 2, delete "income tax"

Page 5, after line 12, insert:

"Subd. 11. [PROPERTY TAX REBATE CONTINGENT.] (a) The provisions of subdivisions 1 and 2 providing a property tax rebate take effect only if \$400,000,000 or more in an unrestricted general fund budgetary balance becomes available for fiscal year 1999 by any combination of the following:

(1) reductions or cancellations in general fund appropriations enacted by the legislature, including any reductions or cancellations that are deposited in a rebate account; and

(2) an increase in the unrestricted budgetary general fund balance as a result of the February 1999 forecast.

(b) If the amount calculated under paragraph (a) exceeds \$400,000,000, the commissioner of revenue shall increase the percentage of the property tax rebate paid under subdivision 1, paragraph (c), by one percentage point for each \$4,000,000 of unrestricted general fund budgetary balance that becomes available for fiscal year 1999."

A roll call was requested and properly seconded.

Pugh moved to amend the Abrams et al amendment to H. F. No. 1, the second engrossment, as follows:

Page 2, delete lines 5 to 16

Page 2, line 17, delete "\$400,000,000,"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Gleason	Kalis	Marko	Paymar	Trimble
Bakk	Gray	Kelliher	McCollum	Pelowski	Tunheim
Biernat	Greenfield	Koskinen	McGuire	Peterson	Wagenius
Carlson	Greiling	Kubly	Milbert	Pugh	Wejcman
Carruthers	Hasskamp	Larson, D.	Mullery	Rest	Wenzel
Chaudhary	Hausman	Leighton	Munger	Rukavina	Winter
Clark, K.	Hilty	Lenczewski	Murphy	Schumacher	
Dawkins	Huntley	Lieder	Opatz	Skoe	
Dorn	Jaros	Luther	Orfield	Skoglund	
Entenza	Jennings	Mahoney	Osthoff	Solberg	
Folliard	Juhnke	Mariani	Otremba	Tomassoni	

Those who voted in the negative were:

Abeler	Dehler	Hackbarth	Mares	Rhodes	Tuma
Abrams	Dempsey	Harder	McElroy	Rifenberg	Van Dellen
Anderson, B.	Dorman	Holberg	Molnau	Rostberg	Vandever
Bishop	Erhardt	Holsten	Mulder	Seagren	Westerberg
Boudreau	Erickson	Howes	Ness	Seifert, J.	Westfall
Bradley	Finseth	Kielkucki	Nornes	Seifert, M.	Westrom
Broecker	Fuller	Knoblach	Olson	Smith	Wilkin
Buesgens	Gerlach	Krinkie	Osskopp	Stang	Wolf
Cassell	Goodno	Kuise	Ozment	Storm	Workman
Clark, J.	Gunther	Larsen, P.	Paulsen	Swenson	Spk. Sviggum
Daggett	Haake	Leppik	Pawlenty	Sykora	
Davids	Haas	Lindner	Reuter	Tingelstad	

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

The question recurred on the Abrams et al amendment and the roll was called. There were 111 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeler	Daggett	Goodno	Juhnke	Lindner	Opatz
Abrams	Davids	Greiling	Kelliher	Luther	Osskopp
Anderson, B.	Dehler	Gunther	Kielkucki	Mares	Osthoff
Biernat	Dempsey	Haake	Knoblach	Marko	Otremba
Bishop	Dorman	Haas	Koskinen	McCollum	Ozment
Boudreau	Dorn	Hackbarth	Krinkie	McElroy	Paulsen
Bradley	Entenza	Harder	Kubly	McGuire	Pawlenty
Broecker	Erhardt	Hasskamp	Kuise	Molnau	Paymar
Buesgens	Erickson	Hausman	Larsen, P.	Mulder	Pelowski
Carlson	Finseth	Holberg	Larson, D.	Mullery	Peterson
Carruthers	Folliard	Holsten	Leighton	Murphy	Pugh
Cassell	Fuller	Howes	Lenczewski	Ness	Rest
Chaudhary	Gerlach	Huntley	Leppik	Nornes	Reuter
Clark, J.	Gleason	Jennings	Lieder	Olson	Rhodes

Rifenberg	Seifert, M.	Swenson	Van Dellen	Westfall	Workman
Rostberg	Skoe	Sykora	Vanderveer	Westrom	Spk. Sviggum
Schumacher	Smith	Tingelstad	Wagenius	Wilkin	
Seagren	Stang	Tuma	Wenzel	Winter	
Seifert, J.	Storm	Tunheim	Westerberg	Wolf	

Those who voted in the negative were:

Anderson, I.	Gray	Kalis	Munger	Solberg
Bakk	Greenfield	Mahoney	Orfield	Tomassoni
Clark, K.	Hilty	Mariani	Rukavina	Trimble
Dawkins	Jaros	Milbert	Skoglund	Wejzman

The motion prevailed and the amendment was adopted.

The Speaker called Boudreau to the Chair.

Rest offered an amendment to H. F. No. 1, the second engrossment, as amended.

Leighton requested a division of the Rest amendment to H. F. No. 1, the second engrossment, as amended.

The first portion of the Rest amendment to H. F. No. 1, the second engrossment, as amended, reads as follows:

Page 1, after line 5, insert:

#### "ARTICLE 1

#### SALES TAX REBATE

##### Section 1. [STATEMENT OF PURPOSE.]

(a) The state of Minnesota derives revenues from a variety of taxes, fees, and other sources, including the state sales tax.

(b) It is fair and reasonable to refund the existing state budget surplus in the form of a rebate of non-business consumer sales tax paid by individuals in calendar year 1997.

(c) Information concerning the amount of sales tax paid at various income levels is contained in the Minnesota tax incidence report, which is written by the commissioner of revenue and presented to the legislature according to Minnesota Statutes, section 270.0682.

(d) It is fair and reasonable to use information contained in the Minnesota tax incidence report to determine the proportionate share of the sales tax rebate due each eligible taxpayer since no effective or practical mechanism exists for determining the amount of actual sales tax paid by each eligible individual.

## Sec. 2. [SALES TAX REBATE.]

Subdivision 1. [REBATE ALLOWED.] (a) By July 15, 1999, the commissioner of finance shall certify to the commissioner of revenue the amount of revenues available for rebate as determined from the June 30, 1999, fund balance report.

(b) The following individuals are eligible for a portion of the amount certified in paragraph (a) as a sales tax rebate:

(1) an individual who was eligible for a credit under Laws 1997, chapter 231, article 1, section 16, as amended by Laws 1997, First Special Session chapter 5, section 35, and Laws 1997, Third Special Session chapter 3, section 11, and Laws 1998, chapter 304, and Laws 1998, chapter 389, article 1, section 3, and who filed for that credit on or before April 15, 1999; and

(2) an individual who was a resident of Minnesota in calendar year 1997, who was not claimed as a dependent, as defined in sections 151 and 152 of the Internal Revenue Code, disregarding section 152(b)(3), as amended through December 31, 1998, and who files for the rebate by April 15, 1999 in a manner prescribed by the commissioner of revenue.

(c) The sales tax rebate for individuals who filed the claim for credit authorized under Laws 1997, chapter 231, article 1, section 16, as amended, as married filing joint, surviving spouse as defined in section 2(a) of the Internal Revenue Code of 1986, as amended through December 31, 1998, or head of household and other eligible individuals who were married on December 31, 1997, or who had a dependent during calendar year 1997 must be computed according to the following schedule:

<u>Income</u>	<u>Sales Tax Rebate</u>
<u>less than \$2,500</u>	<u>\$ 528</u>
<u>at least \$2,500 but less than \$5,000</u>	<u>\$ 673</u>
<u>at least \$5,000 but less than \$10,000</u>	<u>\$ 700</u>
<u>at least \$10,000 but less than \$15,000</u>	<u>\$ 784</u>
<u>at least \$15,000 but less than \$20,000</u>	<u>\$ 855</u>
<u>at least \$20,000 but less than \$25,000</u>	<u>\$ 912</u>
<u>at least \$25,000 but less than \$30,000</u>	<u>\$ 974</u>
<u>at least \$30,000 but less than \$35,000</u>	<u>\$1,040</u>
<u>at least \$35,000 but less than \$40,000</u>	<u>\$1,095</u>
<u>at least \$40,000 but less than \$45,000</u>	<u>\$1,152</u>
<u>at least \$45,000 but less than \$50,000</u>	<u>\$1,216</u>
<u>at least \$50,000 but less than \$60,000</u>	<u>\$1,306</u>
<u>at least \$60,000 but less than \$70,000</u>	<u>\$1,434</u>
<u>at least \$70,000 but less than \$80,000</u>	<u>\$1,552</u>
<u>at least \$80,000 but less than \$90,000</u>	<u>\$1,668</u>
<u>at least \$90,000 but less than \$100,000</u>	<u>\$1,793</u>
<u>at least \$100,000 but less than \$120,000</u>	<u>\$1,921</u>
<u>at least \$120,000 but less than \$140,000</u>	<u>\$2,185</u>
<u>at least \$140,000 but less than \$160,000</u>	<u>\$2,328</u>
<u>at least \$160,000 but less than \$180,000</u>	<u>\$2,469</u>
<u>at least \$180,000 but less than \$200,000</u>	<u>\$2,686</u>
<u>\$200,000 and over</u>	<u>\$2,752</u>

(d) The sales tax rebate for individuals who filed the claim for credit authorized under Laws 1997, chapter 231, article 1, section 16, as amended, as single or married filing separately and other eligible individuals who are not covered by paragraph (c) must be computed according to the following schedule:

<u>Income</u>	<u>Sales Tax Rebate</u>
<u>less than \$2,500</u>	<u>\$ 278</u>
<u>at least \$2,500 but less than \$5,000</u>	<u>\$ 345</u>
<u>at least \$5,000 but less than \$10,000</u>	<u>\$ 428</u>
<u>at least \$10,000 but less than \$15,000</u>	<u>\$ 504</u>
<u>at least \$15,000 but less than \$20,000</u>	<u>\$ 592</u>
<u>at least \$20,000 but less than \$25,000</u>	<u>\$ 666</u>
<u>at least \$25,000 but less than \$30,000</u>	<u>\$ 738</u>
<u>at least \$30,000 but less than \$40,000</u>	<u>\$ 827</u>
<u>at least \$40,000 but less than \$50,000</u>	<u>\$ 949</u>
<u>at least \$50,000 but less than \$70,000</u>	<u>\$1,128</u>
<u>\$70,000 and over</u>	<u>\$1,376</u>

(e) "Income," for purposes of this section, is taxable net income as defined in Minnesota Statutes, section 290.01, subdivision 22, and reported on the original return submitted to claim the credit under Laws 1997, chapter 231, article 1, section 16, as amended, or by subsequent adjustments to that return made within the time limits specified in paragraph (h). For an individual who was not a resident of Minnesota for the entire year, the sales tax rebate equals the sales tax rebate calculated under paragraph (c) or (d) multiplied by the percentage determined pursuant to Minnesota Statutes, section 290.06, subdivision 2c, paragraph (e), as calculated on the original return submitted to claim the credit under Laws 1997, chapter 231, article 1, section 16, as amended, or by subsequent adjustments to that return made within the time limits specified in paragraph (h).

(f) Prior to payment, the commissioner of revenue shall reduce the sales tax rebates calculated in paragraphs (c) and (d) proportionately to account for the amount of credits described in Laws 1997, chapter 231, article 1, section 16, as amended, that are paid on or after January 1, 1999, but before July 1, 1999, and by the amount for other eligible individuals who file for a rebate so that the amount of sales tax rebates payable under paragraphs (c) and (d) do not exceed \$1,470,000,000. The commissioner of revenue shall also increase or decrease all sales tax rebates computed under this section by the percentage that the amount of revenues available for rebate as certified by the commissioner of finance deviate from \$1,470,000,000 minus the amount appropriated pursuant to section 3. These adjustments are not rules subject to Minnesota Statutes, chapter 14.

(g) The commissioner of revenue may begin making sales tax rebates by August 1, 1999. Sales tax rebates not paid by October 1, 1999, bear interest at the rate specified in Minnesota Statutes, section 270.75.

(h) A sales tax rebate must not be adjusted based on changes to the return on which the claim for credit authorized under Laws 1997, chapter 231, article 1, section 16, as amended, made by order of assessment after April 15, 1999, or made by the taxpayer that are filed with the commissioner of revenue after April 15, 1999.

(i) Individuals who filed a joint return must receive a joint sales tax rebate. After the sales tax rebate has been issued, but before the check has been cashed, either joint claimant may request a separate check for one-half of the joint sales tax rebate.

(j) The sales tax rebate is a "Minnesota tax law" for purposes of Minnesota Statutes, section 270B.01, subdivision 8.

(k) The sales tax rebate is "an overpayment of any tax collected by the commissioner" for purposes of Minnesota Statutes, section 270.07, subdivision 5. For purposes of this paragraph, a joint sales tax rebate is payable to each spouse equally.

(l) If the commissioner of revenue cannot locate an individual entitled to a sales tax rebate by July 1, 2001, or if an individual to whom a sales tax rebate was issued has not cashed the check by July 1, 2001, the right to the sales tax rebate lapses and the check must be deposited in the general fund.

(m) Individuals entitled to a sales tax rebate pursuant to paragraph (b), but who did not receive one, and individuals who receive a sales tax rebate that was not correctly computed, must file a claim with the commissioner before July 1, 2000, in a form prescribed by the commissioner. These claims must be treated as if they are a claim for refund under Minnesota Statutes, section 289A.50, subdivisions 4 and 7.

(n) The sales tax rebate is a refund subject to revenue recapture under Minnesota Statutes, chapter 270A. The commissioner of revenue shall remit the entire refund to the claimant agency, which shall, upon the request of the spouse who does not owe the debt, refund one-half of the joint sales tax rebate to the spouse who does not owe the debt.

(o) If a sales tax rebate check is cashed by someone other than the payee or payees of the check and the commissioner of revenue determines that the check has been forged or improperly endorsed, the commissioner may issue an order of assessment for the amount of the check against the person or persons cashing it. The assessment must be made within two years after the check is cashed, but if cashing the check constitutes theft under Minnesota Statutes, section 609.52, or forgery under Minnesota Statutes, section 609.631, the assessment may be made at any time. The assessment may be appealed administratively and judicially. The commissioner may take action to collect the assessment in the same manner as provided by Minnesota Statutes, chapter 289A, for any other order of the commissioner assessing tax.

(p) Notwithstanding Minnesota Statutes, sections 9.031, 16A.40, 16B.49, 16B.50, and any other law to the contrary, the commissioner of revenue may take whatever actions the commissioner deems necessary to pay the rebates required by this section, and may, in consultation with the commissioner of finance and the state treasurer, contract with a private vendor or vendors to process, print, and mail the rebate checks or warrants required under this section and receive and disburse state funds to pay those checks or warrants.

(q) The amount necessary to make the sales tax rebates and interest provided in this section are appropriated from the general fund to the commissioner of revenue.

Subd. 2. [PAYMENT TO STATE.] (a) A taxpayer receiving a rebate under this section may endorse and return the rebate check to the state and designate that the returned rebate must be deposited in one or more of the following accounts for use only for the purposes designated in this subdivision:

(1) an account for the basic sliding fee child care program for child care assistance to families administered by the commissioner of children, families, and learning under Minnesota Statutes, section 119B.03;

(2) an account to lower kindergarten through grade 6 classroom size and reduce instructor-to-student ratios to an average level of 1 to 17 to be administered by the commissioner of children, families, and learning;

(3) the affordable rental investment fund to be used by the housing finance agency for family rental housing assistance under Minnesota Statutes, section 462A.21, subdivision 8b;

(4) the contaminated site cleanup and development account to be used by the commissioner of trade and economic development for contamination cleanup development grants under Minnesota Statutes, sections 116J.551 to 116J.556; and

(5) the general fund for use as appropriated by law.

(b) Each rebate check shall have printed on the back of the check that it may be endorsed to the state of Minnesota and used for the designated option under paragraph (a). If more than one use of the rebate is designated, the rebate must be divided evenly between the designated options. If a check is endorsed and mailed to the state and no option is designated, the check must be deposited in the general fund.

(c) The rebate check shall be accompanied by a notice prepared by the commissioner of revenue that explains the taxpayer's option to endorse the check to the state, and explains the uses of the funds that the taxpayer may designate. In preparing the notice, the commissioner of revenue shall consult with the commissioners or agencies that administer the funds or accounts. The notice shall also explain that a taxpayer may cash the rebate check and mail a contribution of any amount to the state and that the contribution must be used for the option or options under paragraph (a) as designated by the taxpayer. The notice shall contain in bold print the address to which the endorsed check or a state contribution may be mailed.

(d) Funds endorsed and mailed to the state and contributions mailed to the state under this subdivision shall be deposited by the commissioner of finance in the fund or account designated, and are appropriated to the agency or commissioner designated by the taxpayer or contributor for use as provided in this subdivision. Funds appropriated under this paragraph are available until expended.

(e) Funds appropriated under this subdivision are in addition to any funds appropriated for the purposes given in this subdivision and may not be used for any other purposes including the reduction of any other appropriations. Funds appropriated to a commissioner or agency under this subdivision are not included in the department's or agency's budget base.

Sec. 3. [APPROPRIATIONS.]

\$1,000,000 is appropriated from the general fund to the commissioner of revenue to administer the sales tax rebate for fiscal year 1999. Any unencumbered balance remaining on June 30, 1999, does not cancel but is available for expenditure by the commissioner of revenue until June 30, 2001.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment.

ARTICLE 3

AGRICULTURAL ASSISTANCE"

Pages 1 to 5, delete section 1

Page 7, delete lines 16 to 21

Page 7, line 22, delete "(c)" and insert "(a)"

Page 7, line 25, delete "(d)" and insert "(b)"

Renumber the sections in sequence and correct internal references

Delete the title and insert:

"A bill for an act relating to taxation; providing a sales tax rebate; providing a permanent procedure for tax rebates; providing agricultural assistance payments; providing a property tax refund to farmers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16A."

A roll call was requested and properly seconded.

## POINT OF ORDER

McCollum raised a point of order pursuant to section 124 of "Mason's Manual of Legislative Procedure," relating to Personalities not Permitted in Debate. Speaker pro tempore Boudreau ruled the point of order well taken.

Bishop was excused for the remainder of today's session.

## POINT OF ORDER

Pawlenty raised a point of order pursuant to sections 124 and 125 of "Mason's Manual of Legislative Procedure," relating to Personalities not Permitted in Debate and Personal Disputes Between Members. Speaker pro tempore Boudreau ruled the point of order well taken.

## POINT OF ORDER

Goodno raised a point of order pursuant to section 124 of "Mason's Manual of Legislative Procedure," relating to Personalities not Permitted in Debate. Speaker pro tempore Boudreau ruled the point of order well taken.

The question recurred on the first portion of the Rest amendment and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Folliard	Jennings	Luther	Orfield	Skoe
Bakk	Gleason	Juhnke	Mahoney	Osthoff	Skoglund
Biernat	Gray	Kalis	Mariani	Otremba	Solberg
Carlson	Greenfield	Kelliher	Marko	Paymar	Tomassoni
Carruthers	Greiling	Koskinen	McCollum	Pelowski	Trimble
Chaudhary	Hasskamp	Kubly	McGuire	Peterson	Tunheim
Clark, K.	Hausman	Larson, D.	Milbert	Pugh	Wagenius
Dawkins	Hilty	Leighton	Mullery	Rest	Wejcman
Dorn	Huntley	Lenczewski	Murphy	Rukavina	Wenzel
Entenza	Jaros	Lieder	Opatz	Schumacher	Winter

Those who voted in the negative were:

Abeler	Dempsey	Harder	McElroy	Rifenberg	Van Dellen
Abrams	Dorman	Holberg	Molnau	Rostberg	Vandever
Anderson, B.	Erhardt	Holsten	Mulder	Seagren	Westerberg
Boudreau	Erickson	Howes	Ness	Seifert, J.	Westfall
Bradley	Finseth	Kielkucki	Nornes	Seifert, M.	Westrom
Broecker	Fuller	Knoblach	Olson	Smith	Wilkin
Buesgens	Gerlach	Krinkie	Osskopp	Stang	Wolf
Cassell	Goodno	Kuisle	Ozment	Storm	Workman
Clark, J.	Gunther	Larsen, P.	Paulsen	Swenson	Spk. Sviggum
Daggett	Haake	Leppik	Pawlenty	Sykora	
Davids	Haas	Lindner	Reuter	Tingelstad	
Dehler	Hackbarth	Mares	Rhodes	Tuma	

The motion did not prevail and the first portion of the Rest amendment was not adopted.

The second portion of the Rest amendment to H. F. No. 1, the second engrossment, as amended, reads as follows:

Page 1, after line 5, insert:

"ARTICLE 2

AUTOMATIC REBATE IN ENACTED BUDGET

Section 1. [16A.1522] [STATEMENT OF PURPOSE.]

(a) The state of Minnesota derives revenues from a variety of taxes, fees, and other sources.

(b) The general fund state budget is enacted for a two-year period based on a forecast of state revenues and authorized spending. The two-year biennial budget period begins July 1 of odd-numbered years and ends June 30 of odd-numbered years.

(c) Section 2 is intended to require that any positive unrestricted budgetary general fund balance in excess of one-half of one percent of total general fund biennial revenues at the close of the biennium be returned to the taxpayers of Minnesota in the form of a rebate, payable at the end of the budget period.

Sec. 2. [16A.1523] [REBATE REQUIREMENTS.]

(a) If, on the basis of a forecast of general fund revenues and expenditures in November of an even-numbered year or February of an odd-numbered year, the commissioner of finance projects that there will be a positive unrestricted budgetary general fund balance at the close of the biennium that exceeds one-half of one percent of total general fund biennial revenues, the commissioner of finance shall designate the entire balance as available for rebate to the taxpayers of Minnesota.

(b) If the commissioner of finance designates an amount for rebate in either forecast, then the governor shall present a plan to the legislature for rebating that amount to the taxpayers of Minnesota. The plan must provide for payments to begin no later than August 15 of the odd-numbered year. The legislature must adopt or modify any plan presented by the governor by April 15 of each odd-numbered year.

(d) By July 15 of each odd-numbered year, the commissioner of finance shall certify to the commissioner of revenue the amount of revenues available for rebate as determined by preliminary June 30 end-of-year fiscal analysis.

(e) If the amount of a positive unrestricted budgetary general fund balance existing on June 30 of an odd-numbered year is less than one-half of one percent of the total general fund biennial revenues, the total amount of the positive balance shall be deposited into the tax relief account.

(f) Amounts certified for rebate by the commissioner of finance are appropriated from the general fund to the commissioner of revenue for the sole purpose of making the payments required by this section.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective September 1, 1999."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Carruthers moved to amend the second portion of the Rest amendment to H. F. No. 1, the second engrossment, as amended, as follows:

Page 9, after line 8, insert:

"(c) In any odd-numbered year in which the legislature has not enacted legislation to distribute a positive unrestricted budgetary general fund balance, but such a positive balance in excess of one-half of one percent of the total general fund biennial revenues exists on June 30 of an odd-numbered year, the entire positive balance must be refunded to the taxpayers of Minnesota in the same manner as the preceding rebate."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Folliard	Juhnke	Mariani	Paymar	Trimble
Bakk	Gleason	Kalis	Marko	Pelowski	Tunheim
Biernat	Gray	Kelliher	McCollum	Peterson	Van Dellen
Carlson	Greenfield	Koskinen	McGuire	Pugh	Wagenius
Carruthers	Greiling	Kubly	Milbert	Rukavina	Wejcman
Chaudhary	Hasskamp	Larson, D.	Mullery	Schumacher	Winter
Clark, K.	Hausman	Leighton	Munger	Skoe	
Dawkins	Hilty	Lieder	Murphy	Skoglund	
Dorn	Huntley	Luther	Osthoff	Solberg	
Entenza	Jennings	Mahoney	Otremba	Tomassoni	

Those who voted in the negative were:

Abeler	Dorman	Holsten	Molnau	Rifenberg	Wenzel
Abrams	Erhardt	Howes	Mulder	Rostberg	Westerberg
Anderson, B.	Erickson	Jaros	Ness	Seagren	Westfall
Boudreau	Finseth	Kielkucki	Nornes	Seifert, J.	Westrom
Bradley	Fuller	Knoblach	Olson	Seifert, M.	Wilkin
Broecker	Gerlach	Krinkie	Opatz	Smith	Wolf
Buesgens	Goodno	Kuile	Osskopp	Stang	Workman
Cassell	Gunther	Larsen, P.	Ozment	Storm	Spk. Sviggum
Clark, J.	Haake	Lenczewski	Paulsen	Swenson	
Daggett	Haas	Leppik	Pawlenty	Sykora	
Davids	Hackbarth	Lindner	Rest	Tingelstad	
Dehler	Harder	Mares	Reuter	Tuma	
Dempsey	Holberg	McElroy	Rhodes	Vandever	

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

The Speaker resumed the Chair.

The question recurred on the second portion of the Rest amendment and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holsten	Mares	Paymar	Tingelstad
Abrams	Entenza	Howes	Mariani	Pelowski	Tomassoni
Anderson, B.	Erhardt	Huntley	Marko	Peterson	Trimble
Anderson, I.	Erickson	Jennings	McCollum	Pugh	Tuma
Bakk	Finseth	Juhnke	McElroy	Rest	Tunheim
Biernat	Folliard	Kalis	McGuire	Reuter	Van Dellen
Boudreau	Fuller	Kelliher	Milbert	Rhodes	Vandever
Bradley	Gerlach	Kielkucki	Molnau	Rifenberg	Wagenius
Broecker	Gleason	Knoblach	Mulder	Rostberg	Wejman
Buesgens	Goodno	Koskinen	Mullery	Rukavina	Wenzel
Carlson	Gray	Krinkie	Munger	Schumacher	Westerberg
Carruthers	Greenfield	Kubly	Murphy	Seagren	Westfall
Cassell	Greiling	Kuisle	Ness	Seifert, J.	Westrom
Chaudhary	Gunther	Larsen, P.	Nornes	Seifert, M.	Wilkin
Clark, J.	Haake	Larson, D.	Olson	Skoe	Winter
Clark, K.	Haas	Leighton	Opatz	Skoglund	Wolf
Daggett	Hackbarth	Lenczewski	Osskopp	Smith	Workman
Dauids	Harder	Leppik	Osthoff	Solberg	Spk. Sviggum
Dawkins	Hasskamp	Lieder	Otremba	Stang	
Dehler	Hausman	Lindner	Ozment	Storm	
Dempsey	Hilty	Luther	Paulsen	Swenson	
Dorman	Holberg	Mahoney	Pawlenty	Sykora	

The motion prevailed and the second portion of the Rest amendment was adopted.

Greenfield and Orfield were excused for the remainder of today's session.

Marko, Luther and McCollum offered an amendment to H. F. No. 1, the second engrossment, as amended.

#### POINT OF ORDER

Molnau raised a point of order pursuant to rule 3.21 that the Marko et al amendment was not in order. The Speaker ruled the point of order well taken and the Marko et al amendment out of order.

Marko, Luther and McCollum offered an amendment to H. F. No. 1, the second engrossment, as amended.

#### POINT OF ORDER

Molnau raised a point of order pursuant to rule 3.21 that the Marko et al amendment was not in order. The Speaker ruled the point of order well taken and the Marko et al amendment out of order.

Marko appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 69 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	McElroy	Rifenberg	Van Dellen
Abrams	Dorman	Holberg	Molnau	Rostberg	Vandever
Anderson, B.	Erhardt	Holsten	Mulder	Seagren	Westerberg
Boudreau	Erickson	Howes	Ness	Seifert, J.	Westfall
Bradley	Finseth	Kielkucki	Nornes	Seifert, M.	Westrom
Broecker	Fuller	Knoblach	Olson	Smith	Wilkin
Buesgens	Gerlach	Krinkie	Osskopp	Stang	Wolf
Cassell	Goodno	Kuisle	Ozment	Storm	Workman
Clark, J.	Gunther	Larsen, P.	Paulsen	Swenson	Spk. Sviggum
Daggett	Haake	Leppik	Pawlenty	Sykora	
Davids	Haas	Lindner	Reuter	Tingelstad	
Dehler	Hackbarth	Mares	Rhodes	Tuma	

Those who voted in the negative were:

Anderson, I.	Folliard	Juhnke	Mahoney	Otremba	Solberg
Bakk	Gleason	Kalis	Mariani	Paymar	Tomassoni
Biernat	Gray	Kelliher	Marko	Pelowski	Trimble
Carlson	Greiling	Koskinen	McCollum	Peterson	Tunheim
Carruthers	Hasskamp	Kubly	McGuire	Pugh	Wagenius
Chaudhary	Hausman	Larson, D.	Milbert	Rest	Wejzman
Clark, K.	Hilty	Leighton	Mullery	Rukavina	Wenzel
Dawkins	Huntley	Lenczewski	Murphy	Schumacher	Winter
Dorn	Jaros	Lieder	Opatz	Skoe	
Entenza	Jennings	Luther	Osthoff	Skoglund	

So it was the judgment of the House that the decision of the Speaker should stand.

Winter, Kalis, Wenzel, Schumacher, Kubly, Otremba and Juhnke offered an amendment to H. F. No. 1, the second engrossment, as amended.

#### POINT OF ORDER

Abrams raised a point of order pursuant to rule 3.21 that the Winter et al amendment was not in order. The Speaker ruled the point of order well taken and the Winter et al amendment out of order.

Winter appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 72 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Mares	Pawlenty	Sykora
Abrams	Dorman	Holberg	McElroy	Reuter	Tingelstad
Anderson, B.	Erhardt	Holsten	Milbert	Rhodes	Tuma
Boudreau	Erickson	Howes	Molnau	Rifenberg	Van Dellen
Bradley	Finseth	Jennings	Mulder	Rostberg	Vandever
Broecker	Fuller	Kielkucki	Ness	Seagren	Westerberg
Buesgens	Gerlach	Knoblach	Nornes	Seifert, J.	Westfall
Cassell	Goodno	Krinkie	Olson	Seifert, M.	Westrom
Clark, J.	Gunther	Kuisle	Osskopp	Smith	Wilkin
Daggett	Haake	Larsen, P.	Osthoff	Stang	Wolf
Davids	Haas	Leppik	Ozment	Storm	Workman
Dehler	Hackbarth	Lindner	Paulsen	Swenson	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Entenza	Jaros	Lieder	Opatz	Skoe
Bakk	Folliard	Juhnke	Luther	Otremba	Skoglund
Biernat	Gleason	Kalis	Mahoney	Paymar	Solberg
Carlson	Gray	Kelliher	Mariani	Pelowski	Tomassoni
Carroll	Greiling	Koskinen	Marko	Peterson	Trimble
Chaudhary	Hasskamp	Kubly	McCollum	Pugh	Tunheim
Clark, K.	Hausman	Larson, D.	McGuire	Rest	Wagenius
Dawkins	Hilty	Leighton	Mullery	Rukavina	Wenzel
Dorn	Huntley	Lenczewski	Murphy	Schumacher	Winter

So it was the judgment of the House that the decision of the Speaker should stand.

Solberg; Opatz; Carlson; Winter; Munger; Pugh; Koskinen; Gray; Kelliher; Wejcman; Leighton; Pelowski; Skoe; Luther; Mariani; Marko; Chaudhary; Entenza; Trimble; Murphy; Otremba; McCollum; Rest; Tunheim; Larson, D.; Juhnke; Lieder; Tomassoni and Dorn offered an amendment to H. F. No. 1, the second engrossment, as amended.

#### POINT OF ORDER

Paulsen raised a point of order pursuant to rule 3.21 that the Solberg et al amendment was not in order. The Speaker ruled the point of order well taken and the Solberg et al amendment out of order.

Solberg appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 67 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holberg	Molnau	Rostberg	Westerberg
Abrams	Dorman	Holsten	Mulder	Seagren	Westfall
Anderson, B.	Erhardt	Howes	Ness	Seifert, J.	Westrom
Boudreau	Erickson	Kielkucki	Nornes	Seifert, M.	Wilkin
Bradley	Finseth	Knoblach	Olson	Smith	Wolf
Broecker	Gerlach	Krinkie	Osskopp	Stang	Workman
Buesgens	Goodno	Kuisle	Ozment	Swenson	Spk. Sviggum
Cassell	Gunther	Larsen, P.	Paulsen	Sykora	
Clark, J.	Haake	Leppik	Pawlenty	Tingelstad	
Daggett	Haas	Lindner	Reuter	Tuma	
Davids	Hackbarth	Mares	Rhodes	Van Dellen	
Dehler	Harder	McElroy	Rifenberg	Vandever	

Those who voted in the negative were:

Anderson, I.	Folliard	Jennings	Luther	Osthoff	Skoglund
Bakk	Fuller	Juhnke	Mahoney	Otremba	Solberg
Biernat	Gleason	Kalis	Mariani	Paymar	Storm
Carlson	Gray	Kelliher	Marko	Pelowski	Tomassoni
Carruthers	Greiling	Koskinen	McCollum	Peterson	Trimble
Chaudhary	Hasskamp	Kubly	McGuire	Pugh	Tunheim
Clark, K.	Hausman	Larson, D.	Milbert	Rest	Wagenius
Dawkins	Hilty	Leighton	Mullery	Rukavina	Wejzman
Dorn	Huntley	Lenczewski	Murphy	Schumacher	Wenzel
Entenza	Jaros	Lieder	Opatz	Skoe	Winter

So it was the judgment of the House that the decision of the Speaker should stand.

Rukavina; Anderson, I.; Bakk and Hasskamp moved to amend H. F. No. 1, the second engrossment, as amended, as follows:

Page 7, after line 14, insert:

"Sec. 3. [LOGGING ASSISTANCE IN 1999.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section:

(b) "Commissioner" means the commissioner of revenue.

(c) "Logger" means an individual who is:

(1) a resident of the state of Minnesota; and

(2) actively engaged in the business of the cutting and sale of timber in the state of Minnesota or of transporting cut timber in the state of Minnesota during calendar year 1998.

Subd. 2. [PAYMENTS TO LOGGERS.] (a) The commissioner shall pay \$1 to every logger who applies for payment by May 1, 1999 for each cord of timber cut in Minnesota and sold during calendar year 1998.

(b) The commissioner shall pay \$.50 to every logger for each cord of timber transported from a point in the state of Minnesota to a purchaser or processor. The payment under this paragraph does not apply if the logger received payment for the same cord of timber under paragraph (a).

(c) The maximum payment to an individual under this section may not exceed \$6,000.

(d) The commissioner shall prepare application forms for the payment and ensure that they are available to loggers throughout the state. To receive a payment under this section, a logger must include with the application cordage slips or receipts for the sale or transport of the timber for each cord for which payment is sought.

(e) The commissioner shall make the payments under this section no later than October 1, 1999 or 90 days after the receipt of the application, whichever is later. Payments made after October 1, 1999 bear interest at the rate provided in Minnesota Statutes, section 270.75.

Subd. 3. [APPROPRIATION.] \$4,300,000 is appropriated to the commissioner of revenue for the payments under this section and for the cost of administering this section.

Subd. 4. [EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

Erickson raised a point of order pursuant to rule 3.21 that the Rukavina et al amendment was not in order. The Speaker ruled the point of order not well taken and the Rukavina et al amendment in order.

The question recurred on the Rukavina et al amendment and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 57 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Fuller	Kalis	Mariani	Paymar	Tomassoni
Bakk	Gleason	Kelliher	McCollum	Pelowski	Trimble
Biernat	Gray	Koskinen	McGuire	Peterson	Tunheim
Carlson	Hasskamp	Kubly	Milbert	Pugh	Wagenius
Carruthers	Hilty	Larson, D.	Mullery	Rest	Wejeman
Chaudhary	Howes	Leighton	Munger	Rukavina	Wenzel
Clark, K.	Huntley	Lenczewski	Murphy	Schumacher	Winter
Dawkins	Jaros	Lieder	Opatz	Skoe	
Dorn	Jennings	Luther	Osskopp	Skoglund	
Entenza	Juhnke	Mahoney	Otremba	Solberg	

Those who voted in the negative were:

Abeler	Dempsey	Hackbarth	Mares	Rhodes	Tuma
Abrams	Dorman	Harder	McElroy	Rifenberg	Van Dellen
Anderson, B.	Erhardt	Hausman	Molnau	Rostberg	Vandever
Boudreau	Erickson	Holberg	Mulder	Seagren	Westerberg
Bradley	Finseth	Holsten	Ness	Seifert, J.	Westfall
Broecker	Folliard	Kielkucki	Nornes	Seifert, M.	Westrom
Buesgens	Gerlach	Knoblach	Olson	Smith	Wilkin
Cassell	Goodno	Krinkie	Osthoff	Stang	Wolf
Clark, J.	Greiling	Kuise	Ozment	Storm	Workman
Daggett	Gunther	Larsen, P.	Paulsen	Swenson	Spk. Sviggum
Davids	Haake	Leppik	Pawlenty	Sykora	
Dehler	Haas	Lindner	Reuter	Tingelstad	

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

Hasskamp moved to amend H. F. No. 1, the second engrossment, as amended, as follows:

Page 7, after line 14, insert:

"Sec. 3. [RESORT PROPERTY TAX CREDIT FOR TAXES PAYABLE IN 1999.]

Subdivision 1. [CREDIT.] Resorts are eligible for a property tax credit on qualifying property equal to the full amount of the tax payment due on May 15, 1999, but not to exceed \$3,500. To qualify, a resort must be classified exclusively class 1c under Minnesota Statutes, section 273.13, subd. 22, paragraph (c). Qualifying property means property which is owned or leased by the resort. In order for leased property to qualify, the lessee must be required to pay the property taxes, according to the terms of the lease.

Subd. 2. [APPLICATION.] Resort owners shall apply for the credit to the commissioner of revenue, on a form prescribed by the commissioner. The commissioner may require supporting documentation to accompany the application including, but not limited to, copies of the relevant property tax statement or statements and the lease. Applications must be filed by June 30, 1999.

Subd. 3. [PAYMENTS.] Credit payments shall be made by the commissioner to eligible businesses by August 30, 1999."

Page 7, line 15, delete "3" and insert "4"

Page 7, line 23, after "7." insert "and under section 3, subdivision 3."

Page 7, line 28, delete "4" and insert "5"

Page 7, line 29, delete "3" and insert "4"

Amend the title accordingly

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

Clark, K., and Chaudhary moved to amend H. F. No. 1, the second engrossment, as amended, as follows:

Page 7, after line 14, insert:

"Sec. 3. [PROPERTY TAX REBATE OUTREACH.]

During fiscal years 1999 and 2000, the commissioner of revenue shall develop and operate a program to expand participation in the 1997 and 1998 property tax rebate programs by individuals who are eligible for the rebates but failed to claim them. This program may consist of paid advertising, public relations, direct contact with taxpayers, services provided by community agencies or other efforts as the commissioner determines appropriate."

Page 7, after line 27, insert:

"(e) \$100,000 is appropriated to the commissioner of revenue from the general fund for the property tax rebate outreach program under section 3. This appropriation is available in fiscal years 1999 and 2000. The appropriation may not be added to the department's budget base amount."

Renumber the sections in sequence

Correct internal references

A roll call was requested and properly seconded.

The question was taken on the Clark, K., and Chaudhary amendment and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 57 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Folliard	Juhnke	Mariani	Paymar	Tomassoni
Bakk	Gleason	Kalis	McCollum	Pelowski	Trimble
Biernat	Gray	Kelliher	McGuire	Peterson	Tunheim
Carlson	Greiling	Koskinen	Milbert	Pugh	Wagenius
Carruthers	Hasskamp	Kubly	Mullery	Rest	Wejeman
Chaudhary	Hausman	Larson, D.	Munger	Rukavina	Wenzel
Clark, K.	Hilty	Leighton	Murphy	Schumacher	Winter
Dawkins	Huntley	Lieder	Opatz	Skoe	
Dorn	Jaros	Luther	Osthoff	Skoglund	
Entenza	Jennings	Mahoney	Otremba	Solberg	

Those who voted in the negative were:

Abeler	Daggett	Gerlach	Howes	Mares	Paulsen
Abrams	Davids	Goodno	Kielkucki	McElroy	Pawlenty
Anderson, B.	Dehler	Gunther	Knoblach	Molnau	Reuter
Boudreau	Dempsey	Haake	Krinkie	Mulder	Rhodes
Bradley	Dorman	Haas	Kuisle	Ness	Rifenberg
Broecker	Erhardt	Hackbarth	Larsen, P.	Nornes	Rostberg
Buesgens	Erickson	Harder	Lenczewski	Olson	Seagren
Cassell	Finseth	Holberg	Leppik	Osskopp	Seifert, J.
Clark, J.	Fuller	Holsten	Lindner	Ozment	Seifert, M.

Smith	Swenson	Tuma	Westerberg	Wilkin	Spk. Sviggum
Stang	Sykora	Van Dellen	Westfall	Wolf	
Storm	Tingelstad	Vandev eer	Westrom	Workman	

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

Clark, K., moved to amend H. F. No. 1, the second engrossment, as amended, as follows:

Page 7, after line 14, insert:

"Sec. 4. [ONE TIME RENT REBATE.]

Notwithstanding any law to the contrary, the percentage of gross rent for purposes of "renting constituting property taxes" under Minnesota Statutes, section 290A.03, subdivision 11a, is 20 percent for claims based on rent paid in 1999."

Re number the sections in sequence

Correct internal references

A roll call was requested and properly seconded.

The question was taken on the Clark, K., amendment and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Folliard	Kelliher	McCollum	Peterson	Tunheim
Bakk	Gleason	Koskinen	McGuire	Pugh	Wagenius
Biernat	Gray	Kubly	Milbert	Rest	Wejzman
Carlson	Greiling	Larson, D.	Mullery	Rukavina	Wenzel
Carruthers	Hasskamp	Leighton	Munger	Schumacher	Winter
Chaudhary	Hausman	Lieder	Murphy	Skoe	
Clark, K.	Hilty	Luther	Opatz	Skoglund	
Dawkins	Jaros	Mahoney	Osthoff	Solberg	
Dorn	Juhnke	Mariani	Otremba	Tomassoni	
Entenza	Kalis	Marko	Paymar	Trimble	

Those who voted in the negative were:

Abeler	Cassell	Erhardt	Haake	Huntley	Lenczewski
Abrams	Clark, J.	Erickson	Haas	Jennings	Leppik
Anderson, B.	Daggett	Finseth	Hackbarth	Kielkucki	Lindner
Boudreau	Davids	Fuller	Harder	Knoblach	Mares
Bradley	Dehler	Gerlach	Holberg	Krinkie	McElroy
Broecker	Dempsey	Goodno	Holsten	Kuisle	Molnau
Buesgens	Dorman	Gunther	Howes	Larsen, P.	Mulder

Ness	Pawlenty	Seagren	Swenson	Westerberg	Spk. Sviggum
Nornes	Pelowski	Seifert, J.	Sykora	Westfall	
Olson	Reuter	Seifert, M.	Tingelstad	Westrom	
Osskopp	Rhodes	Smith	Tuma	Wilkin	
Ozment	Rifenberg	Stang	Van Dellen	Wolf	
Paulsen	Rostberg	Storm	Vandever	Workman	

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

Skoglund; Lenczewski; Kalis; Entenza; Leighton; Paymar; Gleason; Larson, D.; McCollum; Wagenius and Dorn moved to amend H. F. No. 1, the second engrossment, as amended, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1998, section 297A.15, subdivision 6, is amended to read:

Subd. 6. [REFUND; APPROPRIATION.] The tax on the gross receipts from the sale of items exempt under section 297A.25, subdivision 43, and section 2, must be imposed and collected as if the sale were taxable and the rate under section 297A.02, subdivision 1, applied.

Upon application by the owner of the homestead property on forms prescribed by the commissioner, a refund equal to the tax paid on the gross receipts of the building materials and equipment must be paid to the homeowner. In the case of building materials in which the tax was paid by a contractor, application must be made by the homeowner for the sales tax paid by the contractor. The application must include sufficient information to permit the commissioner to verify the sales tax paid for the project. The contractor must furnish to the homeowner a statement of the cost of building materials and the sales taxes paid on the materials. The amount required to make the refunds is annually appropriated to the commissioner. Interest must be paid on the refund at the rate in section 270.76 from 60 days after the date the refund claim is filed with the commissioner.

Upon application by the owner of the residential property on forms prescribed by the commissioner, a refund equal to the tax paid on the gross receipts on the tree trimming or tree or stump removal services must be paid to the residential property owner. The application must include sufficient information to permit the commissioner to certify that the project meets the requirements of section 2. The amount required to make the refunds is annually appropriated to the commissioner. Interest must be paid on the refund at the rate in section 270.76 from 60 days after the date the refund claim is filed with the commissioner.

Sec. 2. Minnesota Statutes 1998, section 297A.25, is amended by adding a subdivision to read:

Subd. 79. [TREE DAMAGE FROM STORMS.] (a) The gross receipts from the sale of tree and stump removal services and tree trimming services are exempt provided that (1) the removal or trimming is for a tree on residential property, (2) the removal or trimming is necessary because of tree damage resulting from a tornado, wind storm, blizzard, or ice storm, and (3) the residential property owner is uninsured for the loss.

(b) The tax on the gross receipts from the sales of the services exempt under this subdivision must be imposed and collected as if the sales were taxable and the rate under section 297A.02, subdivision 1, applied. The residential property owner may apply for a refund as provided under section 297A.15, subdivision 6."

Page 7, after line 28, insert:

"Sections 1 and 2 are effective for sales made after March 1, 1998."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Skoglund et al amendment and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 119 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Jaros	Mariani	Paymar	Sykora
Abrams	Erhardt	Juhnke	Marko	Pelowski	Tingelstad
Anderson, B.	Erickson	Kalis	McCollum	Peterson	Tomassoni
Anderson, I.	Finseth	Kelliher	McElroy	Pugh	Trimble
Bakk	Folliard	Kielkucki	McGuire	Rest	Tuma
Biernat	Fuller	Knoblach	Milbert	Reuter	Tunheim
Broecker	Gerlach	Koskinen	Molnau	Rhodes	Van Dellen
Buesgens	Gleason	Krinkie	Mulder	Rifenberg	Vandever
Carlson	Goodno	Kubly	Mullery	Rostberg	Wagenius
Carruthers	Gray	Kuisle	Murphy	Rukavina	Wejcman
Cassell	Greiling	Larsen, P.	Ness	Schumacher	Wenzel
Chaudhary	Gunther	Larson, D.	Nornes	Seagren	Westerberg
Clark, J.	Haake	Leighton	Olson	Seifert, J.	Westfall
Clark, K.	Haas	Lenczewski	Opatz	Seifert, M.	Westrom
Daggett	Hackbarth	Leppik	Osskopp	Skoglund	Wilkin
Davids	Harder	Lieder	Osthoff	Smith	Winter
Dawkins	Hasskamp	Lindner	Otremba	Solberg	Wolf
Dempsey	Hausman	Luther	Ozment	Stang	Workman
Dorman	Holsten	Mahoney	Paulsen	Storm	Spk. Sviggum
Dorn	Howes	Mares	Pawlenty	Swenson	

Those who voted in the negative were:

Boudreau	Dehler	Huntley	Skoe
Bradley	Hilty	Jennings	

The motion prevailed and the amendment was adopted.

Dawkins moved to amend H. F. No. 1, the second engrossment, as amended, as follows:

Page 1, line 21, delete everything after "equals" and insert "100 percent of the first \$1,300 of income tax liability for married taxpayers filing joint returns, and 100 percent of the first \$650 of income tax liability for all other taxpayers."

Page 1, delete lines 22 to 25

Page 2, delete lines 1 to 3

A roll call was requested and properly seconded.

The question was taken on the Dawkins amendment and the roll was called. There were 52 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Fuller	Kalis	McCollum	Pelowski	Solberg
Bakk	Gleason	Koskinen	McGuire	Peterson	Storm
Biernat	Gray	Kubly	Mullery	Pugh	Tomassoni
Carlson	Hasskamp	Leighton	Munger	Rest	Trimble
Carruthers	Hausman	Lieder	Murphy	Rukavina	Wejcman
Chaudhary	Hilty	Luther	Opatz	Schumacher	Wenzel
Clark, K.	Howes	Mahoney	Osskopp	Seagren	Winter
Dawkins	Jaros	Mariani	Otremba	Skoe	
Entenza	Juhnke	Marko	Paymar	Skoglund	

Those who voted in the negative were:

Abeler	Dorman	Harder	Leppik	Pawlenty	Tunheim
Abrams	Dorn	Holberg	Lindner	Reuter	Van Dellen
Anderson, B.	Erhardt	Holsten	Mares	Rhodes	Vandever
Boudreau	Erickson	Huntley	McElroy	Rifenberg	Wagenius
Bradley	Finseth	Jennings	Milbert	Rostberg	Westerberg
Broecker	Folliard	Kelliher	Molnau	Seifert, J.	Westfall
Buesgens	Gerlach	Kielkucki	Mulder	Seifert, M.	Westrom
Cassell	Goodno	Knoblach	Ness	Smith	Wilkin
Clark, J.	Greiling	Krinkie	Nornes	Stang	Wolf
Daggett	Gunther	Kuisle	Olson	Swenson	Workman
Davids	Haake	Larsen, P.	Osthoff	Sykora	Spk. Sviggum
Dehler	Haas	Larson, D.	Ozment	Tingelstad	
Dempsey	Hackbarth	Lenczewski	Paulsen	Tuma	

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

Kubly, Peterson, Schumacher and Juhnke offered an amendment to H. F. No. 1, the second engrossment, as amended.

#### POINT OF ORDER

Goodno raised a point of order pursuant to rule 3.21 that the Kubly et al amendment was not in order. The Speaker ruled the point of order well taken and the Kubly et al amendment out of order.

Kubly appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

Abrams moved that those not voting be excused from voting. The motion prevailed.

There were 69 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Lindner	Pelowski	Tuma
Abrams	Dorman	Holberg	Mares	Reuter	Van Dellen
Anderson, B.	Erhardt	Holsten	McElroy	Rhodes	Vandever
Boudreau	Erickson	Howes	Molnau	Rifenberg	Westerberg
Bradley	Finseth	Jennings	Mulder	Rostberg	Westfall
Broecker	Fuller	Kielkucki	Ness	Seagren	Wilkin
Buesgens	Gerlach	Knoblach	Nornes	Seifert, J.	Wolf
Cassell	Goodno	Krinkie	Olson	Smith	Workman
Clark, J.	Gunther	Kuisle	Osskopp	Stang	Spk. Sviggum
Daggett	Haake	Larsen, P.	Ozment	Swenson	
Davids	Haas	Larson, D.	Paulsen	Sykora	
Dehler	Hackbarth	Leppik	Pawlenty	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Entenza	Juhnke	Mariani	Pugh	Tomassoni
Bakk	Folliard	Kalis	Marko	Rest	Trimble
Biernat	Gleason	Kelliher	McCollum	Rukavina	Tunheim
Carlson	Gray	Koskinen	McGuire	Schumacher	Wagenius
Carruthers	Greiling	Kubly	Mullery	Seifert, M.	Wejcman
Chaudhary	Hasskamp	Leighton	Murphy	Skoe	Wenzel
Clark, K.	Hausman	Lieder	Otremba	Skoglund	Winter
Dawkins	Hilty	Luther	Paymar	Solberg	
Dorn	Jaros	Mahoney	Peterson	Storm	

So it was the judgment of the House that the decision of the Speaker should stand.

Trimble moved to amend H. F. No. 1, the second engrossment, as amended, as follows:

Page 2, after line 34, insert a period

Page 2, line 35, delete "and" and before the period, insert "and credited to an account to be used to pay income or franchise tax rebates of up to 100 percent of tax liability to small businesses as defined in Minnesota Statutes, section 645.445, for employee job training to be administered by the department of trade and economic development"

A roll call was requested and properly seconded.

The question was taken on the Trimble amendment and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 46 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Jaros	Luther	Osthoff	Solberg
Bakk	Entenza	Juhnke	Mahoney	Otremba	Tomassoni
Biernat	Folliard	Kalis	Mariani	Peterson	Trimble
Carlson	Gleason	Kelliher	Marko	Pugh	Tunheim
Carruthers	Gray	Koskinen	McCollum	Rukavina	Wejzman
Chaudhary	Hasskamp	Kubly	Milbert	Schumacher	Winter
Clark, K.	Hausman	Leighton	Mullery	Skoe	
Dawkins	Hilty	Lieder	Murphy	Skoglund	

Those who voted in the negative were:

Abeler	Erhardt	Howes	McGuire	Rhodes	Vandever
Abrams	Erickson	Huntley	Molnau	Rifenberg	Wagenius
Anderson, B.	Finseth	Jennings	Mulder	Rostberg	Wenzel
Boudreau	Fuller	Kielkucki	Ness	Seagren	Westerberg
Bradley	Gerlach	Knoblach	Nornes	Seifert, J.	Westfall
Broecker	Goodno	Krinkie	Olson	Seifert, M.	Westrom
Buesgens	Greiling	Kuisle	Opatz	Smith	Wilkin
Cassell	Gunther	Larsen, P.	Osskopp	Stang	Wolf
Clark, J.	Haake	Larsen, D.	Ozment	Storm	Workman
Daggett	Haas	Lenczewski	Paulsen	Swenson	Spk. Sviggum
Davids	Hackbarth	Leppik	Pawlenty	Sykora	
Dehler	Harder	Lindner	Pelowski	Tingelstad	
Dempsey	Holberg	Mares	Rest	Tuma	
Dorman	Holsten	McElroy	Reuter	Van Dellen	

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

Carruthers offered an amendment to H. F. No. 1, the second engrossment, as amended.

#### POINT OF ORDER

Abrams raised a point of order pursuant to rule 3.21 that the Carruthers amendment was not in order. The Speaker ruled the point of order well taken and the Carruthers amendment out of order.

Carruthers appealed the decision of the Speaker.

A roll call was requested and properly seconded.

#### LAY ON THE TABLE

Pawlenty moved to lay the Carruthers appeal of the decision of the Speaker on the table.

A roll call was requested and properly seconded.

The question was taken on the Pawlenty motion and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 66 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Hackbarth	Mares	Reuter	Tingelstad
Abrams	Dempsey	Harder	McElroy	Rhodes	Tuma
Anderson, B.	Dorman	Holberg	Molnau	Rifenberg	Van Dellen
Boudreau	Erhardt	Holsten	Mulder	Rostberg	Vandever
Bradley	Erickson	Kielkucki	Ness	Seagren	Westerberg
Broecker	Finseth	Knoblach	Nornes	Seifert, J.	Westfall
Buesgens	Gerlach	Krinkie	Olson	Seifert, M.	Westrom
Cassell	Goodno	Kuisle	Osskopp	Smith	Wilkin
Clark, J.	Gunther	Larsen, P.	Ozment	Stang	Wolf
Daggett	Haake	Leppik	Paulsen	Swenson	Workman
Davids	Haas	Lindner	Pawlenty	Sykora	Spk. Sviggum

Those who voted in the negative were:

Bakk	Fuller	Jennings	Luther	Osthoff	Skoglund
Biernat	Gleason	Juhnke	Mahoney	Otremba	Solberg
Carlson	Gray	Kalis	Mariani	Paymar	Storm
Carruthers	Greiling	Kelliher	Marko	Pelowski	Tomassoni
Chaudhary	Hasskamp	Koskinen	McCollum	Peterson	Trimble
Clark, K.	Hausman	Kubly	McGuire	Pugh	Tunheim
Dawkins	Hilty	Larson, D.	Milbert	Rest	Wagenius
Dorn	Howes	Leighton	Mullery	Rukavina	Wejzman
Entenza	Huntley	Lenczewski	Murphy	Schumacher	Winter
Folliard	Jaros	Lieder	Opatz	Skoe	

The motion prevailed and the appeal of the decision of the Speaker was laid on the table.

Carruthers offered an amendment to H. F. No. 1, the second engrossment, as amended.

#### POINT OF ORDER

Abrams raised a point of order pursuant to rule 3.21 that the Carruthers amendment was not in order. The Speaker ruled the point of order well taken and the Carruthers amendment out of order.

Carruthers appealed the decision of the Speaker.

A roll call was requested and properly seconded.

#### LAY ON THE TABLE

Abrams moved to lay the Carruthers appeal of the decision of the Speaker on the table.

A roll call was requested and properly seconded.

The question was taken on the Abrams motion and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 65 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Hackbarth	Mares	Reuter	Tuma
Abrams	Dempsey	Harder	McElroy	Rhodes	Van Dellen
Anderson, B.	Dorman	Holberg	Molnau	Rifenberg	Vandever
Boudreau	Erhardt	Holsten	Mulder	Rostberg	Westerberg
Bradley	Erickson	Kielkucki	Ness	Seagren	Westfall
Broecker	Finseth	Knoblach	Nornes	Seifert, M.	Westrom
Buesgens	Gerlach	Krinkie	Olson	Smith	Wilkin
Cassell	Goodno	Kuisle	Osskopp	Stang	Wolf
Clark, J.	Gunther	Larsen, P.	Ozment	Swenson	Workman
Daggett	Haake	Leppik	Paulsen	Sykora	Spk. Sviggum
Davids	Haas	Lindner	Pawlenty	Tingelstad	

Those who voted in the negative were:

Bakk	Fuller	Jennings	Luther	Osthoff	Skoe
Biernat	Gleason	Juhnke	Mahoney	Otremba	Skoglund
Carlson	Gray	Kalis	Mariani	Paymar	Solberg
Carruthers	Greiling	Kelliher	Marko	Pelowski	Storm
Chaudhary	Hasskamp	Koskinen	McCollum	Peterson	Tomassoni
Clark, K.	Hausman	Kubly	McGuire	Pugh	Trimble
Dawkins	Hilty	Larson, D.	Milbert	Rest	Tunheim
Dorn	Howes	Leighton	Mullery	Rukavina	Wagenius
Entenza	Huntley	Lenczewski	Munger	Schumacher	Wejzman
Folliard	Jaros	Lieder	Murphy	Seifert, J.	Winter

The motion prevailed and the appeal of the decision of the Speaker was laid on the table.

Milbert moved to amend H. F. No. 1, the second engrossment, as amended, as follows:

Pages 1 to 5, delete section 1 and insert:

"Section 1. Minnesota Statutes 1998, section 290.06, is amended by adding a subdivision to read:

Subd. 26. [1999 REBATE.] (a) An individual is allowed a credit against the tax imposed by this section and section 290.091 equal to the sum of:

(1) 100 percent of the first \$150 of liability for tax; and

(2) 20 percent of the liability for tax in excess of \$150.

The maximum amount of the credit is \$7,600 for a married couple filing a joint return and \$3,800 for all other filers.

(b) For purposes of this section, liability for tax means liability as computed under this section after the apportionment under subdivision 2c, paragraph (e), and section 290.091 after the apportionment under subdivision 4 of section 290.091, but before the credits allowed under sections 290.067, 290.0671, and 290.0674.

(c) This credit applies only to taxable years beginning after December 31, 1998, and before January 1, 2000."

Page 7, after line 14, insert:

"Sec. 3. [ADJUSTMENT OF WITHHOLDING TABLES.]

The commissioner of revenue shall promulgate revised withholding tax tables to take into account the provisions of section 1 as soon after enactment of section 1 as practicable."

Page 7, delete lines 16 to 21, and insert:

"(a) \$200,000,000 is transferred from the tax reform and reduction account to the general fund."

Page 7, line 22, delete "(c)" and insert "(b)"

Page 7, line 25, delete "(d)" and insert "(c)"

Page 7, line 29, delete "3" and insert "4"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Milbert amendment and the roll was called.

Abrams moved that those not voting be excused from voting. The motion prevailed.

There were 41 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Hasskamp	Larsen, P.	McCollum	Pugh	Tomassoni
Bakk	Huntley	Larson, D.	Milbert	Rukavina	Trimble
Biernat	Juhnke	Leighton	Mullery	Schumacher	Tunheim
Carlson	Kalis	Lieder	Murphy	Seifert, J.	Wenzel
Chaudhary	Koskinen	Luther	Osthoff	Skoglund	Westerberg
Entenza	Krinkie	Mahoney	Otremba	Solberg	Winter
Gray	Kubly	Marko	Peterson	Storm	

Those who voted in the negative were:

Abeler	Daggett	Folliard	Harder	Lenczewski	Ness
Abrams	Davids	Fuller	Hausman	Leppik	Nornes
Anderson, B.	Dawkins	Gerlach	Holberg	Lindner	Olson
Boudreau	Dehler	Gleason	Holsten	Mares	Opatz
Bradley	Dempsey	Goodno	Howes	Mariani	Osskopp
Broecker	Dorman	Greiling	Jennings	McElroy	Ozment
Buesgens	Dorn	Gunther	Kelliher	McGuire	Paulsen
Cassell	Erhardt	Haake	Kielkucki	Molnau	Pawlenty
Clark, J.	Erickson	Haas	Knoblach	Mulder	Pelowski
Clark, K.	Finseth	Hackbarth	Kuisle	Munger	Rest

Reuter	Seagren	Stang	Tuma	Wejman	Wolf
Rhodes	Seifert, M.	Swenson	Van Dellen	Westfall	Workman
Rifenberg	Skoe	Sykora	Vandever	Westrom	Spk. Sviggum
Rostberg	Smith	Tingelstad	Wagenius	Wilkin	

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

H. F. No. 1, A bill for an act relating to taxation; providing for an income and property tax rebate; providing for agricultural assistance; exempting certain storm-damaged tree trimming and removal services from the sales tax; providing for automatic rebates in enacted budget; appropriating money; amending Minnesota Statutes 1998, sections 297A.15, subdivision 6; and 297A.25, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

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 93 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Howes	McElroy	Peterson	Tingelstad
Abrams	Entenza	Jennings	McGuire	Rest	Tuma
Anderson, B.	Erhardt	Kelliher	Milbert	Reuter	Tunheim
Boudreau	Erickson	Kielkucki	Molnau	Rhodes	Van Dellen
Bradley	Finseth	Knoblach	Mulder	Rifenberg	Vandever
Broecker	Fuller	Krinkie	Mullery	Rostberg	Wenzel
Buesgens	Gerlach	Kubly	Ness	Seagren	Westerberg
Carlson	Goodno	Kuisle	Nornes	Seifert, J.	Westfall
Carruthers	Gunther	Larsen, P.	Olson	Seifert, M.	Westrom
Cassell	Haake	Larson, D.	Opatz	Skoe	Wilkin
Chaudhary	Haas	Lenczewski	Osskopp	Skoglund	Wolf
Clark, J.	Hackbarth	Leppik	Osthoff	Smith	Workman
Daggett	Harder	Lindner	Ozment	Stang	Spk. Sviggum
Davids	Hasskamp	Luther	Paulsen	Storm	
Dehler	Holberg	Mares	Pawlenty	Swenson	
Dempsey	Holsten	Marko	Pelowski	Sykora	

Those who voted in the negative were:

Anderson, I.	Folliard	Huntley	Lieder	Otremba	Tomassoni
Bakk	Gleason	Jaros	Mahoney	Paymar	Trimble
Biernat	Gray	Juhnke	Mariani	Pugh	Wagenius
Clark, K.	Greiling	Kalis	McCollum	Rukavina	Wejman
Dawkins	Hausman	Koskinen	Munger	Schumacher	Winter
Dorn	Hilty	Leighton	Murphy	Solberg	

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

Rest was excused for the remainder of today's session.

## TAKE FROM THE TABLE

Knoblach moved that H. F. No. 209 be taken from the table. The motion prevailed and H. F. No. 209 was taken from the table.

H. F. No. 209 was reported to the House.

The Speaker called Boudreau to the Chair.

H. F. No. 209, A bill for an act relating to public administration; converting capital project financing from general fund cash to general obligation bonding; authorizing spending for public purposes; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing state bonds; canceling certain money to the general fund; appropriating money; amending Laws 1998, chapter 404, section 27, subdivision 1.

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Molnau	Rostberg	Vandever
Abrams	Dorman	Holberg	Mulder	Seagren	Westerberg
Anderson, B.	Erhardt	Holsten	Ness	Seifert, J.	Westfall
Boudreau	Erickson	Howes	Nornes	Seifert, M.	Westrom
Bradley	Finseth	Kielkucki	Olson	Smith	Wilkin
Broecker	Fuller	Kuise	Osskopp	Stang	Wolf
Buesgens	Gerlach	Larsen, P.	Ozment	Storm	Workman
Cassell	Goodno	Lenczewski	Paulsen	Swenson	Spk. Sviggum
Clark, J.	Gunther	Leppik	Pawlenty	Sykora	
Daggett	Haake	Lindner	Reuter	Tingelstad	
Davids	Haas	Mares	Rhodes	Tuma	
Dehler	Hackbarth	McElroy	Rifenberg	Van Dellen	

Those who voted in the negative were:

Anderson, I.	Folliard	Juhnke	Luther	Opatz	Skoglund
Bakk	Gleason	Kalis	Mahoney	Osthoff	Solberg
Biernat	Gray	Kelliher	Mariani	Otremba	Tomassoni
Carlson	Greiling	Knoblach	Marko	Paymar	Trimble
Carruthers	Hasskamp	Koskinen	McCollum	Pelowski	Tunheim
Chaudhary	Hausman	Krinkie	McGuire	Peterson	Wagenius
Clark, K.	Hilty	Kubly	Milbert	Pugh	Wejcman
Dawkins	Huntley	Larson, D.	Mullery	Rukavina	Wenzel
Dorn	Jaros	Leighton	Munger	Schumacher	Winter
Entenza	Jennings	Lieder	Murphy	Skoe	

Not having received the constitutionally required three-fifths vote, the bill was not passed.

The Speaker resumed the Chair.

Pelowski was excused for the remainder of today's session.

#### CALL OF THE HOUSE LIFTED

Molnau moved that the call of the House be suspended. The motion prevailed and it was so ordered.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty 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, February 4, 1999:

H. F. No. 151.

#### CALENDAR FOR THE DAY

H. F. No. 151 was reported to the House.

Tunheim moved to amend H. F. No. 151 as follows:

Page 5, delete lines 2 and 3, and insert:

"order to restore profitability to farming, those revisions including, at a minimum, the establishment of marketing loan rates at \$3.00 per bushel for corn, \$6.50 per bushel for soybeans, \$5.00 per bushel for wheat, and \$4.00 per bushel for barley;"

A roll call was requested and properly seconded.

Harder moved to amend the Tunheim amendment to H. F. No. 151 as follows:

Page 1 of the Tunheim amendment, delete line 3

Page 1, line 4 of the Tunheim amendment, delete "including, at a minimum," and insert "compliance with the findings of a study by the United States Secretary of Agriculture regarding the benefits of"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 66 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Abeler	Boudreau	Buesgens	Daggett	Dempsey	Erickson
Abrams	Bradley	Cassell	Davids	Dorman	Fuller
Anderson, B.	Broecker	Clark, J.	Dehler	Erhardt	Gerlach

Goodno	Howes	McElroy	Paulsen	Seifert, M.	Vandever
Gunther	Kielkucki	Molnau	Pawlenty	Smith	Westerberg
Haake	Knoblach	Mulder	Reuter	Stang	Westfall
Haas	Kuisle	Ness	Rhodes	Storm	Westrom
Hackbarth	Larsen, P.	Nornes	Rifenberg	Swenson	Wilkin
Harder	Leppik	Olson	Rostberg	Sykora	Wolf
Holberg	Lindner	Osskopp	Seagren	Tingelstad	Workman
Holsten	Mares	Ozment	Seifert, J.	Van Dellen	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Folliard	Juhnke	Mahoney	Otremba	Tunheim
Bakk	Gleason	Kalis	Mariani	Peterson	Wagenius
Biernat	Gray	Kelliher	Marko	Pugh	Wejcman
Carlson	Greiling	Koskinen	McCollum	Rukavina	Wenzel
Carruthers	Hasskamp	Kubly	McGuire	Schumacher	Winter
Chaudhary	Hausman	Larson, D.	Milbert	Skoe	
Clark, K.	Hilty	Leighton	Mullery	Skoglund	
Dawkins	Huntley	Lenczewski	Munger	Solberg	
Dorn	Jaros	Lieder	Murphy	Tomassoni	
Entenza	Jennings	Luther	Osthoff	Trimble	

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Tunheim amendment, as amended, and the roll was called. There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holberg	Luther	Pugh	Trimble
Abrams	Dorman	Holsten	Mahoney	Reuter	Tuma
Anderson, B.	Dorn	Howes	Mares	Rhodes	Tunheim
Anderson, I.	Entenza	Huntley	Mariani	Rifenberg	Van Dellen
Bakk	Erhardt	Jaros	McCollum	Rostberg	Vandever
Biernat	Erickson	Jennings	McGuire	Rukavina	Wagenius
Boudreau	Finseth	Juhnke	Milbert	Schumacher	Wejcman
Bradley	Folliard	Kalis	Molnau	Seagren	Wenzel
Broecker	Fuller	Kelliher	Mulder	Seifert, J.	Westerberg
Buesgens	Gerlach	Kielkucki	Mullery	Seifert, M.	Westfall
Carlson	Gleason	Knoblach	Munger	Skoe	Westrom
Carruthers	Goodno	Koskinen	Murphy	Skoglund	Wilkin
Cassell	Greiling	Kubly	Ness	Smith	Winter
Chaudhary	Gunther	Kuisle	Nornes	Solberg	Wolf
Clark, J.	Haas	Larsen, P.	Olson	Stang	Workman
Clark, K.	Hackbarth	Larson, D.	Osskopp	Storm	Spk. Sviggum
Daggett	Harder	Leighton	Otremba	Swenson	
Davids	Hasskamp	Lenczewski	Ozment	Sykora	
Dawkins	Hausman	Leppik	Pawlenty	Tingelstad	
Dehler	Hilty	Lieder	Peterson	Tomassoni	

The motion prevailed and the amendment, as amended, was adopted.

Winter, Tunheim, Kalis, Kubly, Schumacher and Juhnke moved to amend H. F. No. 151, as amended, as follows:

Page 4, after line 14, insert:

*"Be It Further Resolved* that the President and Congress place severe restrictions on the import of live slaughter hogs, slaughter cattle, pork and beef carcasses, and commodity grains from foreign sources and that the U. S. department of agriculture be required to publish comprehensive, timely reports on all livestock, meat, and commodity crop imports; and

*Be It Further Resolved* that the President and Congress implement requirements that (a) all packers and processors be required to provide to the USDA, on a daily basis and specific to each packing or processing plant, actual prices paid for livestock purchased or delivered for slaughter including details of all open market, contract, and formula price arrangements and wholesale prices by product; and (b) all retailers having meat sales exceeding \$250,000 per year be required to provide to the USDA a weekly summary of retail prices for meat types and cuts; and"

A roll call was requested and properly seconded.

Seifert, M., moved to amend the Winter et al amendment to H. F. No. 151, as amended, as follows:

Page 1, line 4, delete "place severe" and insert "consider"

Page 1, line 10, delete "implement" and insert "study"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 57 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hackbarth	Mares	Rhodes	Tingelstad
Boudreau	Dorman	Harder	McElroy	Rifenberg	Vandever
Bradley	Erhardt	Holberg	Molnau	Rostberg	Westfall
Broecker	Erickson	Holsten	Mulder	Seagren	Wilkin
Buesgens	Finseth	Howes	Ness	Seifert, J.	Wolf
Cassell	Fuller	Kielkucki	Nornes	Seifert, M.	Workman
Clark, J.	Gerlach	Knoblach	Ozment	Stang	Spk. Sviggum
Daggett	Goodno	Kuisle	Paulsen	Storm	
Davids	Gunther	Larsen, P.	Pawlenty	Swenson	
Dehler	Haake	Leppik	Reuter	Sykora	

Those who voted in the negative were:

Anderson, B.	Clark, K.	Greiling	Juhnke	Lenczewski	McGuire
Anderson, I.	Dawkins	Hasskamp	Kalis	Lieder	Milbert
Bakk	Dorn	Hausman	Kelliher	Luther	Mullery
Biernat	Entenza	Hilty	Koskinen	Mahoney	Munger
Carlson	Folliard	Huntley	Kubly	Mariani	Murphy
Carruthers	Gleason	Jaros	Larson, D.	Marko	Olson
Chaudhary	Gray	Jennings	Leighton	McCollum	Osskopp

Osthoff	Pugh	Skoe	Tomassoni	Wagenius	Westerberg
Otremba	Rukavina	Skoglund	Trimble	Wejcman	Westrom
Peterson	Schumacher	Solberg	Tunheim	Wenzel	Winter

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

The question recurred on the Winter et al amendment and the roll was called. There were 99 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dorman	Howes	Mahoney	Peterson	Tomassoni
Anderson, I.	Dorn	Huntley	Mares	Pugh	Trimble
Bakk	Entenza	Jaros	Mariani	Rhodes	Tuma
Biernat	Finseth	Jennings	Marko	Rifenberg	Tunheim
Boudreau	Folliard	Juhnke	McCollum	Rostberg	Wagenius
Bradley	Fuller	Kalis	McGuire	Rukavina	Wejcman
Carlson	Gleason	Kelliher	Mulder	Schumacher	Wenzel
Carruthers	Goodno	Kielkucki	Mullery	Seifert, J.	Westerberg
Cassell	Gray	Koskinen	Munger	Seifert, M.	Westfall
Chaudhary	Greiling	Kubly	Murphy	Skoe	Westrom
Clark, J.	Gunther	Kuiple	Ness	Skoglund	Wilkin
Clark, K.	Haake	Larsen, P.	Nornes	Smith	Winter
Daggett	Hackbarth	Larson, D.	Olson	Solberg	Wolf
Davids	Harder	Leighton	Osskopp	Stang	Spk. Sviggum
Dawkins	Hasskamp	Lenczewski	Otremba	Storm	
Dehler	Hausman	Lieder	Ozment	Swenson	
Dempsey	Hilty	Luther	Pawlenty	Tingelstad	

Those who voted in the negative were:

Abrams	Erhardt	Gerlach	McElroy	Reuter
Buesgens	Erickson	Leppik	Molnau	Sykora

The motion prevailed and the amendment was adopted.

Peterson moved to amend H. F. No. 151, as amended, as follows:

Page 4, after line 9, insert:

"*Be It Further Resolved* that the antitrust division of the U. S. Department of Justice, the U. S. Federal Trade Commission, and appropriate committees of Congress thoroughly investigate the impacts of any large merger to determine the potential for market domination, price fixing, and market distortions; and, if violations are found, that all progress toward the merger be blocked until the investigations are completed and reported; and"

A roll call was requested and properly seconded.

The question was taken on the Peterson amendment and the roll was called. There were 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holberg	Luther	Pawlenty	Tomassoni
Anderson, B.	Dorman	Holsten	Mahoney	Peterson	Trimble
Anderson, I.	Dorn	Howes	Mares	Pugh	Tuma
Bakk	Erhardt	Huntley	Mariani	Rhodes	Tunheim
Biernat	Erickson	Jaros	Marko	Rifenberg	Vandever
Boudreau	Finseth	Jennings	McCollum	Rostberg	Wagenius
Bradley	Folliard	Juhnke	McElroy	Rukavina	Wejman
Broecker	Fuller	Kalis	McGuire	Schumacher	Wenzel
Buesgens	Gerlach	Kielkucki	Molnau	Seagren	Westerberg
Carlson	Gleason	Knoblach	Mulder	Seifert, J.	Westfall
Carruthers	Goodno	Koskinen	Mullery	Seifert, M.	Westrom
Cassell	Gray	Kubly	Munger	Skoe	Wilkin
Chaudhary	Greiling	Kuisle	Murphy	Skoglund	Winter
Clark, J.	Gunther	Larsen, P.	Ness	Smith	Wolf
Clark, K.	Hackbarth	Larson, D.	Nornes	Solberg	Workman
Daggett	Harder	Leighton	Olson	Stang	Spk. Sviggum
Davids	Hasskamp	Lenczewski	Osskopp	Storm	
Dawkins	Hausman	Leppik	Otremba	Swenson	
Dehler	Hilty	Lieder	Ozment	Tingelstad	

The motion prevailed and the amendment was adopted.

H. F. No. 151, A resolution memorializing the Clinton Administration and the United States Congress to cooperate in forming a federal effort to alleviate the crisis confronting livestock farmers and commodity grain farmers arising from a bottleneck between hog and cattle producers and their consumers, from imbalances in the grain market, and from concentrations of economic resources in the food marketing and distribution system.

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 107 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Clark, J.	Finseth	Hasskamp	Koskinen	Mariani
Anderson, B.	Clark, K.	Folliard	Hausman	Kubly	Marko
Anderson, I.	Daggett	Fuller	Hilty	Kuisle	McElroy
Bakk	Davids	Gerlach	Holberg	Larsen, P.	McGuire
Biernat	Dawkins	Gleason	Holsten	Larson, D.	Mulder
Boudreau	Dehler	Goodno	Howes	Leighton	Mullery
Bradley	Dempsey	Gray	Huntley	Lenczewski	Munger
Broecker	Dorman	Greiling	Jaros	Leppik	Murphy
Buesgens	Dorn	Gunther	Jennings	Lieder	Ness
Carlson	Entenza	Haake	Juhnke	Luther	Nornes
Carruthers	Erhardt	Hackbarth	Kalis	Mahoney	Olson
Cassell	Erickson	Harder	Kielkucki	Mares	Osskopp

Otremba	Rifenberg	Seifert, M.	Storm	Vandever	Westrom
Ozment	Rostberg	Skoe	Swenson	Wagenius	Wilkin
Pawlenty	Rukavina	Skoglund	Tomassoni	Wejman	Winter
Peterson	Schumacher	Smith	Trimble	Wenzel	Workman
Pugh	Seagren	Solberg	Tuma	Westerberg	Spk. Sviggum
Rhodes	Seifert, J.	Stang	Tunheim	Westfall	

Those who voted in the negative were:

Wolf

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

### MOTIONS AND RESOLUTIONS

Rostberg moved that the name of Clark, J., be added as an author on H. F. No. 316. The motion prevailed.

Opatz moved that the name of Lenczewski be added as an author on H. F. No. 320. The motion prevailed.

Mulder moved that the name of Mariani be added as an author on H. F. No. 332. The motion prevailed.

Mulder moved that the name of Clark, J., be added as an author on H. F. No. 401. The motion prevailed.

Goodno moved that the name of Wilkin be added as an author on H. F. No. 408. The motion prevailed.

Skoglund moved that the names of Westerberg and Tingelstad be added as authors on H. F. No. 409. The motion prevailed.

Kuisele moved that the names of Westerberg and Tingelstad be added as authors on H. F. No. 446. The motion prevailed.

Seifert, M., moved that the names of Clark, J., and Peterson be added as authors on H. F. No. 454. The motion prevailed.

Vandever moved that the name of Luther be added as an author on H. F. No. 474. The motion prevailed.

Pelowski moved that the name of Trimble be added as an author on H. F. No. 482. The motion prevailed.

Paulsen moved that the names of Molnau, Dempsey, Seagren, Pawlenty and Olson be added as authors on H. F. No. 484. The motion prevailed.

### ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, February 8, 1999. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, February 8, 1999.

EDWARD A. BURDICK, Chief Clerk, House of Representatives