

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 2000

 NINETY-THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 22, 2000

The House of Representatives convened at 1:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

McCollum, Otremba, Seagren and Winter were excused.

Osthoff was excused until 2:00 p.m. Rest was excused until 2:45 p.m.

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

REPORT FROM THE CHAIR OF THE
COMMITTEE ON WAYS AND MEANS

March 21, 2000

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. Nos. 4078 and 3046 and S. F. Nos. 2783 and 2546 reconcile with the budget resolution and targets.

Sincerely,

REPRESENTATIVE DAVE BISHOP
Chair, House Ways and Means Committee

REPORTS OF CHIEF CLERK

S. F. No. 2363 and H. F. No. 2935, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Larsen, P., moved that the rules be so far suspended that S. F. No. 2363 be substituted for H. F. No. 2935 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2634 and H. F. No. 3107, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Greiling moved that S. F. No. 2634 be substituted for H. F. No. 3107 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2701 and H. F. No. 3023, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Broecker moved that the rules be so far suspended that S. F. No. 2701 be substituted for H. F. No. 3023 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2723 and H. F. No. 3208, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dawkins moved that S. F. No. 2723 be substituted for H. F. No. 3208 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2828 and H. F. No. 3571, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Osskopp moved that the rules be so far suspended that S. F. No. 2828 be substituted for H. F. No. 3571 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2858 and H. F. No. 3457, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Holberg moved that the rules be so far suspended that S. F. No. 2858 be substituted for H. F. No. 3457 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2865 and H. F. No. 2622, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Tingelstad moved that the rules be so far suspended that S. F. No. 2865 be substituted for H. F. No. 2622 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2903 and H. F. No. 3219, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Osskopp moved that the rules be so far suspended that S. F. No. 2903 be substituted for H. F. No. 3219 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3055 and H. F. No. 3310, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Abeler moved that the rules be so far suspended that S. F. No. 3055 be substituted for H. F. No. 3310 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3108 and H. F. No. 3512, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, B., moved that the rules be so far suspended that S. F. No. 3108 be substituted for H. F. No. 3512 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3272 and H. F. No. 2846, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bradley moved that the rules be so far suspended that S. F. No. 3272 be substituted for H. F. No. 2846 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3423 and H. F. No. 3756, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Abrams moved that the rules be so far suspended that S. F. No. 3423 be substituted for H. F. No. 3756 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3566 and H. F. No. 3303, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Entenza moved that the rules be so far suspended that S. F. No. 3566 be substituted for H. F. No. 3303 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3701 and H. F. No. 3195, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Leppik moved that the rules be so far suspended that S. F. No. 3701 be substituted for H. F. No. 3195 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2000</i>	<i>Date Filed 2000</i>
2485		262	4:10 p.m. March 20	March 20
2465		263	4:10 p.m. March 20	March 20
2692		264	4:05 p.m. March 20	March 20
2346		265	4:10 p.m. March 20	March 20

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 4078, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions and directions; establishing the Red River State Recreation Area; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1998, sections 136F.36, subdivisions 1, 3, and by adding a subdivision; 136F.60, by adding a subdivision; and 136F.64, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119A.45; and 124D.88, subdivision 3; Laws 1998, chapter 404, sections 3, subdivision 24; 5, subdivision 11, as amended; 7, subdivision 23, as amended; and 23, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 240A.

Reported the same back with the following amendments:

Page 2, line 7, delete "48,535,000" and insert "54,535,000"

Page 2, line 20, delete "(31,863,000)" and insert "(31,798,000)"

Page 2, line 21, delete "494,111,000" and insert "500,176,000"

Page 2, line 23, delete "358,200,000" and insert "353,200,000"

Page 2, line 25, delete "65,879,000" and insert "76,879,000"

Page 2, line 28, delete "18,960,000" and insert "19,025,000"

Page 5, delete lines 41 to 44 and insert "to \$300,000 is for acquisition of the building at the northwest corner of 7th and Maria in St. Paul for Metropolitan State University."

Page 11, after line 56, insert:

"A grant for implementation of a flood hazard mitigation project in the Red river basin that is consistent with a mediation agreement and approved by the Red river flood damage reduction work group may not exceed 75 percent of the cost of the proposed mitigation measures."

Page 13, line 12, delete "2,200,000" and insert "2,550,000"

Page 13, delete lines 16 to 18 and insert "\$800,000 is for further construction of the Blazing Star State Trail. \$350,000 is for acquisition and development of the Mill Towns Trail through and between the cities of Northfield and Faribault."

Page 13, lines 25 and 26, delete "that are established or recognized in statute"

Page 13, line 51, delete "950,000" and insert "600,000"

Page 14, delete lines 8 to 22

Page 14, line 23, delete "(c)" and insert "(b)"

Page 17, line 2, delete "10,335,000" and insert "10,210,000"

Page 17, line 6, delete "335,000" and insert "210,000"

Page 17, after line 57, insert:

"Subd. 8. Gillette Children's Hospital

6,000,000

For a loan to Ramsey county to design, construct, furnish, and equip the renovation of and an addition to the Gillette Children's Hospital. This appropriation is not available until the commissioner has determined that at least \$11,000,000 has been committed by nonstate sources. The loan must be repaid over 20 years in equal installments with interest paid at a rate equal to the interest rate paid by the state for bonds issued for this appropriation."

Page 17, line 58, delete "8" and insert "9" and delete "CAPRA" and insert "Asset Preservation"

Page 18, lines 1 and 2, delete "CAPRA under subdivision 5" and insert "asset preservation"

Page 18, after line 5, insert:

"Subd. 10. 717 Delaware Street Health Building 25,000

For renovation of the 717 Delaware Street building of the department of health on the campus of the University of Minnesota. This appropriation is from the general fund.

Subd. 11. Asset Preservation 25,000

For structural and infrastructure repairs of a capital nature to correct high-priority deferred maintenance needs of state facilities under the custodial control of the department of administration. The commissioner of administration shall determine project priorities as appropriate based on need. This appropriation is from the general fund.

Subd. 12. General Predesign and Schematic Design 25,000

To provide predesign and design funding for high priority facilities that will be identified through the strategic plan for locating state agencies. This appropriation is from the general fund.

Subd. 13. Agency Relocation 25,000

For relocation of state agencies as determined by the commissioner of administration. This appropriation is from the general fund.

Subd. 14. Property Acquisition 25,000

This appropriation is from the general fund for due diligence expenses, acquisition of land, and to purchase options in order to hold properties that meet state development needs. This appropriation may also be used to demolish buildings located on any lands acquired and to develop temporary parking. This appropriation is from the general fund."

Page 26, line 43, delete "\$391,092,000" and insert "\$397,092,000"

Page 30, after line 19, insert:

"Sec. 28. Minnesota Statutes 1998, section 85.015, is amended by adding a subdivision to read:

Subd. 8a. [MILL TOWNS TRAIL.] (a) The trail shall originate at a point commonly known as Faribault Junction in Rice county, the termination point of the Sakatah Singing Hills Trail, and shall extend through the towns of Faribault, Dundas, Northfield, Waterford, and Randolph, to the termination point of the Cannon Valley Trail in Cannon Falls.

(b) The trail shall be developed primarily for riding and hiking. Motorized vehicles, except snowmobiles, are prohibited from the trail."

Page 38, after line 29, insert:

"Sec. 43. [GILLETTE CHILDREN'S HOSPITAL SURCHARGE FORGIVENESS.]

Notwithstanding the provisions of Minnesota Statutes, section 256.9657, or any other law to the contrary, the surcharges under section 256.9657, subdivision 2, must not be imposed on or collected from Gillette Children's Hospital until the loan under section 12, subdivision 8, is repaid in full. In any year in which the amount of surcharges that would otherwise be imposed on Gillette Children's Hospital under section 256.9657, subdivision 2, exceeds the annual loan repayment amount, the county must prepay the loan in an amount equal to the amount that exceeds the annual loan repayment amount.

Sec. 44. [WORKING GROUP.]

The commissioners of transportation, trade and economic development, public safety, natural resources, and agriculture shall convene a multiagency workgroup consisting of representatives of affected state agencies and political subdivisions to assess the financial, physical, economic, social, and environmental effects on southern Minnesota of increased railroad activity within the DM&E railroad corridor. The commissioners shall report to the legislature and governor on the workgroup's findings and recommendations by December 1, 2000.

Included in the assessment and recommendations shall be methods to:

(1) assure appropriate environmental protections are used to minimize land use, protect wetlands, and mitigate noise or other environmental impacts;

(2) fully involve local units of government in siting issues and right-of-way acquisition;

(3) determine what direct and indirect costs are likely to accrue to local units of government and private property owners; and

(4) protect shipping interests of Minnesota farmers.

The commissioners shall also report to the legislature and governor on the project costs to local units of government for mitigations, right-of-way acquisition, crossing safety, or any other direct impacts of the expansion."

Page 39, line 23, delete "\$1,200,000" and insert "\$1,135,000"

Renumber the sections in sequence

Correct internal references

Adjust fund totals accordingly

Amend the title as follows:

Page 1, line 6, before the semicolon, insert "and the Mill Towns Trail; establishing a working group on effects of increased activity in the DM&E railroad corridor; providing for certain surcharge forgiveness for a time for Gillette Children's Hospital, with certain conditions"

Page 1, line 8, after "sections" insert "85.015, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Finseth from the Committee on Agriculture Policy to which was referred:

S. F. No. 613, A bill for an act relating to animals; increasing certain penalties for cruelty to animals; defining acts or omissions constituting cruelty or abuse; imposing criminal penalties; amending Minnesota Statutes 1998, sections 343.20, subdivision 3, and by adding a subdivision; 343.21, subdivisions 2, 3, 7, 10, and by adding a subdivision; 343.25; and 343.26; repealing Minnesota Statutes 1998, section 343.21, subdivisions 1 and 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 343.01, subdivision 1, is amended to read:

Subdivision 1. [FORMATION AUTHORIZED.] (a) A state federation of county and district societies for the prevention of cruelty to animals may be created as a corporation under chapter 317A for the purpose provided in section 343.06. The federation may appoint representatives in any county where no active county or district society exists for the purpose of receiving and accounting for funds from any source, and may also appoint agents at large to carry out the work of the federation throughout the state.

(b) In a county that has not adopted an animal control ordinance or that lacks facilities and equipment for animal control purposes, the federation and all county and district societies may appoint agents for the purpose of investigating or otherwise assisting lawfully empowered officials in the prosecution of persons charged with cruelty to animals. Appointed agents must have training and experience in activities relating to prevention of cruelty to animals or enforcement of laws relating to cruelty to animals. The federation may make bylaws as are necessary to implement its authority under this chapter and under chapter 317A.

Sec. 2. Minnesota Statutes 1998, section 343.20, subdivision 3, is amended to read:

Subd. 3. [~~FORTURE; CRUELTY.~~] "~~Torture~~" or "Cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable ~~pain, suffering, harm~~ or death.

"Cruelty" does not include:

(1) commonly accepted veterinary procedures performed by a licensed veterinarian;

(2) lawful slaughtering of animals;

(3) commonly accepted animal husbandry practices;

(4) the taking of wild animals by hunting, trapping, and angling; or

(5) acts of God as defined in section 115B.02, subdivision 2.

Sec. 3. Minnesota Statutes 1998, section 343.20, is amended by adding a subdivision to read:

Subd. 6. [BODILY HARM; SUBSTANTIAL BODILY HARM; GREAT BODILY HARM.] (a) "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

(b) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or causes a fracture of any bodily member.

(c) "Great bodily harm" means bodily injury that creates a high probability of death, causes serious permanent disfigurement, or causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Sec. 4. Minnesota Statutes 1998, section 343.21, subdivision 2, is amended to read:

Subd. 2. [NOURISHMENT; SHELTER; REST.] No person shall deprive any animal over which the person has ownership, custody, charge, or control of necessary food, water, or shelter, or rest; or overdrive, overload, or cruelly work an animal.

Sec. 5. Minnesota Statutes 1998, section 343.21, subdivision 3, is amended to read:

Subd. 3. [ENCLOSURE.] (a) Except as provided in paragraph (b), no person shall keep any cow or other animal in any enclosure without providing wholesome necessary exercise and change of air ventilation.

(b) No person shall raise or care for livestock without providing housing, pen space, pasture, adequate exercise, and ventilation that are consistent with commonly accepted animal husbandry practices.

Sec. 6. Minnesota Statutes 1998, section 343.21, subdivision 7, is amended to read:

Subd. 7. [CRUELTY.] No person shall willfully knowingly instigate or in any way further any act of cruelty to any animal or animals, or any act or omission tending to produce cruelty to animals.

Sec. 7. Minnesota Statutes 1998, section 343.21, is amended by adding a subdivision to read:

Subd. 9a. [PENALTY.] (a) A violation of subdivision 2 or 7 that results in death, great bodily harm, or substantial bodily harm is a gross misdemeanor. A person convicted of a violation under this paragraph within three years of a previous gross misdemeanor conviction for violating this section is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(b) A violation of subdivision 2 or 7 that results in bodily harm is a misdemeanor. A person convicted of a violation under this paragraph within three years of a previous conviction for violating this section is guilty of a gross misdemeanor.

(c) A violation of subdivision 3, 4, 5, 6, or 8 is a misdemeanor. A person convicted of a violation under this paragraph within three years of a previous conviction for violating this section is guilty of a gross misdemeanor.

Sec. 8. Minnesota Statutes 1998, section 343.21, subdivision 10, is amended to read:

Subd. 10. [RESTRICTIONS; EXEMPTIONS FOR CERTAIN RESEARCH.] (a) If a person is convicted of violating this section, the court shall require that pet or companion animals, as defined in section 346.36, subdivision 6; that have not been seized by a peace officer or agent and are in the custody or control of the person must be turned over to a peace officer or other appropriate officer or agent unless the court determines that the person is able and fit to provide adequately for an animal. If the evidence indicates lack of proper and reasonable care of an animal, the burden is on the person to affirmatively demonstrate by clear and convincing evidence that the person is able and fit to have custody of and provide adequately for an animal. The court may limit the person's further possession or custody of pet or companion animals, an animal and may impose other conditions the court considers appropriate, including, but not limited to:

(1) imposing a probation period during which the person may not have ownership, custody, or control of a pet or companion an animal;

(2) requiring periodic visits of the person by an animal control officer or agent appointed pursuant to section 343.01, subdivision 1;

(3) requiring performance by the person of community service, but not in a humane facility; and

(4) requiring the person to receive psychological or behavioral counseling.

(b) This section does not apply to educational and research activities conducted by accredited schools, colleges, or universities; drug manufacturers; product manufacturers; or any other entity performing medical, toxicological, or other scientific research at facilities licensed by a federal or state department or agency.

Sec. 9. Minnesota Statutes 1998, section 343.22, subdivision 1, is amended to read:

Subdivision 1. [REPORTING.] (a) In a county that has adopted an animal control ordinance and that has facilities and equipment in place for purposes of animal control needs, all reports of cruelty, neglect, or strays must be directed to a peace officer or county animal control officer. The officer shall carry out the duties under sections 343.01 to 343.40 and other applicable law or rule.

(b) Except as provided in paragraph (a), any person who has reason to believe that a violation of this chapter has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of that section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses the applicant produces and the court shall take their affidavits in writing. The affidavits must set forth facts tending to establish the grounds for believing a violation of this chapter has occurred or is occurring, or probable cause to believe that a violation exists. If the court is satisfied of the existence of the grounds of the application, or that there is probable cause to believe a violation exists, it shall issue a signed search warrant and order for investigation to a peace officer in the county. The order shall command the officer to proceed promptly to the location of the alleged violation. The order may command that a doctor of veterinary medicine accompany the officer.

Sec. 10. Minnesota Statutes 1998, section 343.25, is amended to read:

343.25 [DOCKING HORSES; PENALTY.]

A person who cuts the bony part of a horse's tail for the purpose of docking it, or who causes or knowingly permits the same to be done upon premises of which the person is owner, lessee, or user, or who assists in the cutting is guilty of a misdemeanor. When a horse is found so cut, upon the premises or in the custody of any person, and the wound resulting is unhealed, that fact shall constitute prima facie evidence that the offense was committed by the person. All fines resulting from complaint made by an officer or agent of any society of this state for the prevention of cruelty to animals for any offense specified in this section shall be paid to the society whose officer or agent made the complaint. This section does not apply to a licensed veterinarian who docks a horse's tail for public safety reasons or for injury or illness as provided in chapter 156.

Sec. 11. Minnesota Statutes 1998, section 343.26, is amended to read:

343.26 [CLIPPED ANIMALS; PENALTY.]

~~No person who has custody of any animal which has had its hair removed by clipping or shearing shall cause or permit the animal to stand on a road, street, or other unsheltered place between November 1 and May 1 within 60 days after the clipping or shearing, unless the animal is blanketed. An animal which has had its hair clipped or sheared between November 1 and May 1 must be provided, at a minimum, free choice access to shelter during inclement weather.~~ Violation of this section is a misdemeanor.

Sec. 12. [REPEALER.]

Minnesota Statutes 1998, section 343.21, subdivisions 1 and 9, are repealed.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective August 1, 2000, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to animals; changing certain penalties for cruelty to animals; defining acts or omissions constituting cruelty or abuse; prohibiting certain acts; providing for enforcement; imposing criminal penalties; amending Minnesota Statutes 1998, sections 343.01, subdivision 1; 343.20, subdivision 3, and by adding a subdivision; 343.21, subdivisions 2, 3, 7, 10, and by adding a subdivision; 343.22, subdivision 1; 343.25; and 343.26; repealing Minnesota Statutes 1998, sections 343.21, subdivisions 1 and 9."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 4078 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2363, 2634, 2701, 2723, 2828, 2858, 2865, 2903, 3055, 3108, 3272, 3423, 3566, 3701 and 613 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Abrams, for the Committee on Taxes, introduced:

H. F. No. 4127, A bill for an act relating to financing state and local government; providing a sales tax rebate; extending the time to qualify for and making certain other changes to the 1999 sales tax rebate; providing agricultural assistance; reducing individual income tax rates; making changes to income, franchise, withholding, sales and use, property, motor vehicle sales and registration, mortgage registry, health care provider, motor fuels, cigarette and tobacco, liquor, insurance premiums, lawful gambling, taconite production, solid waste, estate, and special taxes; changing and allowing tax credits, subtractions, and exemptions; conforming with changes in federal income tax provisions; providing for allocation and apportionment of income; changing property tax valuation, assessment, levy, classification, homestead, credit, aid, exemption, deferral, review, appeal, abatement, and distribution provisions; extending levy limits and changing levy authority; reducing rates of health care provider taxes; reducing rates on lawful gambling and solid waste management taxes; changing tax increment financing provisions; providing special authority for certain political subdivisions; changing and clarifying tax administration, collection, enforcement, interest, and penalty provisions; changing revenue recapture provisions; freezing the taconite production tax; regulating state and local business subsidies; modifying certain aids to local units of government; recodifying sales and use taxes; recodifying insurance tax laws; establishing a legislative budget office;

validating corporations established by political subdivisions and regulating their financing; changing county reporting requirements; providing certain duties and powers to the commissioner of revenue, the state auditor, and to the attorney general; defining terms; classifying data; requiring studies; appropriating money; amending Minnesota Statutes 1998, sections 3.98, subdivision 3; 8.30; 16A.46; 37.13; 43A.316, subdivision 9; 43A.317, subdivision 8; 60A.15, subdivision 1; 60A.19, subdivision 8; 60A.198, subdivision 3; 60A.208, subdivision 8; 60A.209, subdivision 3; 60C.17; 60E.04, subdivision 4; 60E.095; 61B.30, subdivision 1; 62C.01, subdivision 3; 62E.10, subdivision 1; 62E.13, subdivision 10; 62L.13, subdivision 3; 62T.10; 64B.24; 71A.04, subdivision 1; 79.252, subdivision 4; 79.34, subdivision 1a; 115A.55, subdivision 3; 115A.69, subdivision 6; 116A.25; 126C.01, by adding a subdivision; 126C.17, subdivision 10; 176A.08; 238.08, subdivision 3; 270.063, by adding a subdivision; 270.072, subdivision 2, and by adding a subdivision; 270A.03, subdivision 7; 270A.07, subdivision 1; 273.111, subdivision 3; 273.124, by adding a subdivision; 273.125, subdivision 8; 273.1398, by adding a subdivision; 273.37, subdivision 3; 275.065, subdivisions 3, 6, 8, and by adding a subdivision; 275.07, subdivision 1; 275.08, subdivision 1b; 275.70, by adding a subdivision; 275.72, subdivisions 1 and 3; 276.19, subdivision 1; 289A.08, by adding a subdivision; 289A.20, subdivision 2; 289A.26, subdivision 1; 289A.31, subdivision 7; 289A.35; 289A.60, subdivisions 1 and 14; 290.01, subdivisions 19c and 19d; 290.015, subdivisions 1, 3, and 4; 290.06, subdivision 22, and by adding a subdivision; 290.0671, subdivision 6; 290.0672, subdivisions 1 and 2; 290.0673, subdivision 8; 290.17, subdivision 2; 290.35, subdivisions 2, 3, and 6; 290.92, subdivisions 3, 28, and 29; 290B.04, by adding a subdivision; 290B.05, subdivision 3; 290B.07; 290B.08, subdivisions 1 and 2; 290B.09, subdivision 2; 295.50, subdivision 9b; 295.58; 296A.03, subdivision 5; 296A.21, subdivisions 2 and 3; 296A.22, subdivision 6; 297A.01, subdivisions 13, 15, 16, and by adding a subdivision; 297A.15, by adding a subdivision; 297A.25, subdivisions 5, 16, 34, 62, 76, and by adding subdivisions; 297B.01, subdivision 7; 297B.03; 297E.02, subdivision 2; 297F.01, subdivisions 7, 14, 17, and by adding subdivisions; 297F.08, subdivisions 2, 5, 8, and 9; 297F.13, subdivision 4; 297F.21, subdivisions 1 and 3; 297G.01, by adding a subdivision; 297G.03, subdivision 1; 297H.02, subdivision 2; 297H.03, subdivision 2; 297H.04, subdivision 2; 297H.13, subdivisions 2, 4, and by adding a subdivision; 360.035; 424.165; 429.011, subdivisions 2a and 5; 429.021, subdivision 1; 429.031, subdivision 1; 458A.09; 458A.30; 458D.23; 469.040, by adding a subdivision; 469.115; 469.127; 469.1734, subdivision 4; 469.174, subdivisions 9, 10, 11, 12, 14, and 22; 469.175, subdivisions 1a, 2, 2a, 3, 4, 5, and 6; 469.176, subdivisions 1b and 4d; 469.1761, subdivision 4; 469.1763, subdivision 2, and by adding a subdivision; 469.177, subdivision 1; 469.1813, subdivision 4; 473.388, subdivisions 4 and 7; 473.446, subdivision 1, and by adding a subdivision; 473.448; 473.545; 473.608, subdivision 2; and 477A.06, subdivision 3; Minnesota Statutes 1999 Supplement, sections 16D.09, subdivision 2; 43A.23, subdivision 1; 60A.19, subdivision 6; 116J.993, subdivision 3; 116J.994, subdivisions 1, 3, 4, 5, 6, 7, 8, and 9; 116J.995; 168.012, subdivision 1; 270.65; 270A.03, subdivision 2; 270A.07, subdivision 2; 272.02, subdivision 39, and by adding a subdivision; 273.11, subdivision 1a; 273.124, subdivisions 1, 8, and 14; 273.13, subdivisions 22, 23, 24, 25, and 31; 273.1382, subdivisions 1, 1a, and 1b; 273.1398, subdivision 1a; 275.065, subdivision 5a; 275.70, subdivision 5; 275.71, subdivisions 2, 3, and 4; 287.01, subdivision 2; 289A.02, subdivision 7; 289A.20, subdivision 4; 289A.55, subdivision 9; 290.01, subdivisions 19, 19b, and 31; 290.06, subdivisions 2c, 2d, and by adding a subdivision; 290.0671, subdivision 1; 290.0674, subdivision 2; 290.0675, subdivisions 1, 2, and 3; 290.091, subdivisions 1, 2, and 6; 290.191, subdivisions 2 and 3; 290.9725; 290A.03, subdivision 15; 290B.03, subdivision 1; 290B.05, subdivision 1; 291.005, subdivision 1; 295.52, subdivision 7; 295.53, subdivision 1; 297A.25, subdivisions 9 and 11; 297E.02, subdivisions 1, 4, and 6; 297F.08, subdivision 8a; 297H.05; 298.24, subdivision 1; 383D.74, subdivision 2; 469.101, subdivision 2; 469.1771, subdivision 1; 469.1813, subdivisions 1 and 6; 477A.011, subdivision 36; 477A.03, subdivision 2; 477A.06, subdivision 1; and 505.08, subdivision 3; Laws 1987, chapter 402, section 2, subdivisions 1, 4, and 5; Laws 1988, chapter 645, section 3, as amended; Laws 1995, First Special Session chapter 3, article 15, section 25; Laws 1997, chapter 231, article 1, section 19, subdivisions 1, as amended, and 3; Laws 1999, chapter 112, section 1, subdivision 1; Laws 1999, chapter 243, article 1, section 2; article 6, section 18; proposing coding for new law in Minnesota Statutes, chapters 3; 273; 278; 297A; 465; and 473; proposing coding for new law as Minnesota Statutes, chapter 297I; repealing Minnesota Statutes 1998, sections 60A.15; 60A.152; 60A.198, subdivision 6; 60A.199, subdivisions 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, and 11; 60A.209, subdivisions 4 and 5; 69.54; 69.55; 69.56; 69.57; 69.58; 69.59; 69.60; 69.61; 71A.04, subdivision 2; 270.072, subdivision 5; 270.075, subdivisions 3 and 4; 273.127; 273.1316; 297A.01; 297A.02; 297A.022; 297A.023; 297A.03; 297A.04; 297A.041; 297A.06; 297A.065; 297A.07; 297A.09; 297A.10; 297A.11; 297A.12; 297A.13; 297A.135; 297A.14; 297A.141; 297A.15, subdivision 7; 297A.16; 297A.17; 297A.18; 297A.21; 297A.211; 297A.213; 297A.22; 297A.23; 297A.24; 297A.25; 297A.2531; 297A.2545; 297A.255; 297A.256; 297A.2571; 297A.2572; 297A.2573; 297A.259; 297A.26; 297A.28; 297A.33, subdivision 2; 297A.44,

subdivision 1; 297A.46; 297A.47; 297A.48; 299F.21; 299F.22; 299F.23; 299F.24; 299F.25; 299F.26; 465.715, subdivisions 1, 2, and 3; 469.055, subdivision 5; 469.101, subdivision 21; 469.135; 469.136; 469.137; 469.138; 469.139; 469.140; 469.174, subdivision 13; 469.175, subdivision 6a; and 469.176, subdivision 4a; Minnesota Statutes 1999 Supplement, sections 290.06, subdivision 26; 290.9726, subdivision 7; and 465.715, subdivision 1a; Minnesota Rules, parts 2765.1500, subpart 6; and 8160.0300, subpart 4.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 3142, A bill for an act relating to highways; designating the Richard J. Mathiowetz Memorial Highway; amending Minnesota Statutes 1998, section 161.14, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 3053, A bill for an act relating to motor vehicles; allowing collector vehicles to display a blue light as part of brake light; amending Minnesota Statutes 1999 Supplement, section 169.64, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Workman moved that the House concur in the Senate amendments to H. F. No. 3053 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3053, A bill for an act relating to motor vehicles; allowing collector-type vehicles to display a blue light as part of brake light; amending Minnesota Statutes 1999 Supplement, section 169.64, subdivision 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bishop	Broecker	Carruthers	Clark, J.
Abrams	Bakk	Boudreau	Buesgens	Cassell	Clark, K.
Anderson, B.	Biernat	Bradley	Carlson	Chaudhary	Daggett

Davids	Gunther	Kielkucki	Milbert	Reuter	Tingelstad
Dawkins	Haake	Knoblach	Molnau	Rhodes	Tomassoni
Dehler	Haas	Koskinen	Mulder	Rifenberg	Trimble
Dempsey	Harder	Krinkie	Mullery	Rostberg	Tuma
Dorman	Hasskamp	Kubly	Murphy	Rukavina	Tunheim
Dorn	Hausman	Kuisle	Ness	Schumacher	Van Dellen
Entenza	Hilty	Larsen, P.	Nornes	Seifert, J.	Wagenius
Erhardt	Holberg	Larsen, D.	Olson	Seifert, M.	Wenzel
Erickson	Holsten	Leighton	Opatz	Skoe	Westerberg
Finseth	Howes	Lenczewski	Orfield	Skoglund	Westfall
Folliard	Huntley	Leppik	Osskopp	Smith	Westrom
Fuller	Jaros	Lindner	Ozment	Solberg	Wilkin
Gerlach	Jennings	Luther	Paulsen	Stanek	Wolf
Gleason	Johnson	Mahoney	Pawlenty	Stang	Workman
Goodno	Juhnke	Mares	Paymar	Storm	Spk. Sviggum
Gray	Kahn	Marko	Pelowski	Swapinski	
Greenfield	Kalis	McElroy	Peterson	Swenson	
Greiling	Kelliher	McGuire	Pugh	Sykora	

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

Mr. Speaker:

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

H. F. No. 3196, A bill for an act relating to human services; allowing a nursing facility's employee pension benefit costs to be treated as PERA contributions; amending Minnesota Statutes 1999 Supplement, section 256B.431, subdivision 28.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Osskopp moved that the House concur in the Senate amendments to H. F. No. 3196 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3196, A bill for an act relating to human services; allowing the director of nursing to serve as the administrator in a nursing home with less than 45 beds; allowing a nursing facility's employee pension benefit costs to be treated as PERA contributions; amending Minnesota Statutes 1999 Supplement, sections 144A.04, subdivision 5; and 256B.431, subdivision 28.

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

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 3421, A bill for an act relating to utilities; regulating an electric cooperative's election to be regulated; amending Minnesota Statutes 1998, section 216B.026, subdivisions 1 and 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bakk moved that the House concur in the Senate amendments to H. F. No. 3421 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3421, A bill for an act relating to utilities; regulating an electric cooperative's election to be regulated; amending Minnesota Statutes 1998, section 216B.026, subdivisions 1 and 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 109 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abrams	Entenza	Huntley	Lindner	Pawlenty	Trimble
Anderson, B.	Erhardt	Jaros	Luther	Paymar	Tuma
Anderson, I.	Finseth	Jennings	Mahoney	Pelowski	Tunheim
Bakk	Folliard	Johnson	Mares	Peterson	Van Dellen
Biernat	Fuller	Juhnke	Mariani	Pugh	Wagenius
Bishop	Gleason	Kahn	Marko	Rhodes	Wejzman
Bradley	Goodno	Kalis	McGuire	Rostberg	Wenzel
Broecker	Gray	Kelliher	Milbert	Rukavina	Westerberg
Carlson	Greenfield	Knobloch	Molnau	Schumacher	Westfall
Carruthers	Greiling	Koskinen	Mullery	Seifert, J.	Westrom
Cassell	Gunther	Krinkie	Murphy	Skoe	Wilkin
Chaudhary	Haake	Kubly	Ness	Skoglund	Wolf
Clark, K.	Haas	Kuisle	Nornes	Smith	Workman
Daggett	Hackbarth	Larsen, P.	Olson	Solberg	Spk. Sviggum
Davids	Hasskamp	Larson, D.	Opatz	Stanek	
Dawkins	Hausman	Leighton	Orfield	Storm	
Dempsey	Hilty	Lenczewski	Osskopp	Swapinski	
Dorman	Holsten	Leppik	Ozment	Tingelstad	
Dorn	Howes	Lieder	Paulsen	Tomassoni	

Those who voted in the negative were:

Abeler	Clark, J.	Gerlach	Kielkucki	Reuter	Stang
Boudreau	Dehler	Harder	McElroy	Rifenberg	Swenson
Buesgens	Erickson	Holberg	Mulder	Seifert, M.	Sykora

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

Mr. Speaker:

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

H. F. No. 3047, A bill for an act relating to real property; title insurance; modifying mortgage release certificate language to include assignment of rents and profits; amending Minnesota Statutes 1998, sections 507.401, subdivisions 1, 3, and 6; and 559.17, by adding a subdivision; repealing Minnesota Statutes 1998, section 507.401, subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kuisle moved that the House refuse to concur in the Senate amendments to H. F. No. 3047, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2891, A bill for an act relating to transportation; appropriating money for state road construction, public transit, and other purposes; establishing an intergovernmental cooperative facilities loan fund; establishing a major transportation projects commission; restricting expenditures for commuter rail and light rail transit; canceling bonding authorization for light rail transit; directing a study of freeway ramp meters in the metropolitan area; providing for a grant to the University of Minnesota for design and engineering of personal rapid transit; directing a study of high-occupancy vehicle lane use by certain vehicles; providing for approval of and payment under supplemental goods or services agreements of the commissioner of transportation; authorizing suspension of motor vehicle registration when tax is paid by dishonored check; exempting dealers in firefighting equipment from motor vehicle dealer licensing; providing for commuter rail plan dispute resolution; providing for inspection of vehicles of motor carriers; requiring the budget for light rail transit to include cost of utility relocation; requiring a municipality to issue permits for a specific business or use that uses river transportation as a major mode of transportation once a special permit has been issued and an environmental assessment worksheet has been completed; expanding eligibility for replacement transit service program; requiring a report on metro mobility; establishing working group to assess impact of DM&E rail line project; requiring study and legislative report on statewide public safety radio system; clarifying a definition of state license and service fees; sunsetting a department fee and an account; amending Minnesota Statutes 1998, sections 16A.6701, subdivision 1; 161.32, by adding a subdivision; 168.27, subdivision 8; 168A.29, subdivision 1; 169.781, by adding a subdivision; 174.35; 216B.16, by adding a subdivision; 221.131, subdivision 4; 221.132; and 473.388, subdivision 2; Minnesota Statutes 1999 Supplement, sections 168.17; 174.88; 174.86, subdivision 2, and by adding a subdivision; and 221.0252, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 161; 174; and 462; repealing Minnesota Statutes 1998, section 299A.70.

PATRICK E. FLAHAVEN, Secretary of the Senate

Molnau moved that the House refuse to concur in the Senate amendments to H. F. No. 2891, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2699, A bill for an act relating to public administration; appropriating money for health and human services, agriculture, environment and natural resources, criminal justice, state government, and economic development; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; providing penalties; amending Minnesota Statutes 1998, sections 13.82, subdivision 3b; 15.0591, subdivision 2; 15A.0815, subdivisions 2 and 3; 16A.10, by adding a subdivision; 16A.11, subdivision 3; 16A.124, by adding a subdivision; 16A.126, subdivision 2; 16B.052; 16B.31, by adding a subdivision; 16B.335, subdivision 5; 16B.42, subdivisions 2 and 3; 16B.48, subdivision 4; 16B.485; 17A.03, subdivision 5; 18E.04, subdivision 4; 41A.09, subdivision 3a; 41B.03, subdivisions 1 and 2; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 2; 41B.045, subdivision 2; 43A.38, subdivision 1; 60H.03, by adding a subdivision; 80A.122, by adding a subdivision; 80A.28, subdivision 1; 85A.02, subdivision 5a; 103E.011, by adding a subdivision; 115B.17, subdivision 19; 119A.05, subdivision 1; 119A.37, subdivision 4; 120B.22, subdivision 1; 121A.15, subdivisions 4 and 10; 125A.74, subdivisions 1 and 2;

138.17, subdivision 10; 144.551, subdivision 1; 144A.071, by adding a subdivision; 169.01, subdivision 37; 169.121, subdivision 3b; 169.129, by adding a subdivision; 169.21, subdivisions 2 and 3; 169.89, subdivision 2; 179A.18, subdivision 1; 181.932, subdivision 1; 182.661, subdivision 1; 182.666, subdivision 2, and by adding a subdivision; 193.143; 198.03, subdivision 1; 221.173; 242.41; 242.43; 242.44; 254B.03, subdivision 1; 256.01, by adding a subdivision; 256.011, subdivision 3; 256.741, by adding a subdivision; 256.955, subdivisions 1 and 2; 256.9753, subdivision 3; 256.995, subdivision 1; 256B.431, by adding subdivisions; 256B.69, subdivision 5d; 256J.08, by adding a subdivision; 256J.15, by adding a subdivision; 256J.32, by adding a subdivision; 256J.40; 256J.45, subdivision 3; 256J.46, by adding subdivisions; 256J.47, subdivision 1; 256J.49, subdivision 13; 256J.50, subdivisions 5 and 7; 256J.52, by adding a subdivision; 256L.05, subdivision 5; 257.75, subdivision 6; 268.362, subdivision 2; 345.31, by adding a subdivision; 345.39, subdivision 1; 349A.02, subdivision 1; 352.91, subdivision 3c, and by adding subdivisions; 352D.02, subdivision 1; 352D.04, subdivision 2; 356.30, subdivision 1; 383B.225, subdivision 2; 390.005, subdivision 3; 390.33, subdivision 1; 422A.101, subdivision 3; 471.345, by adding a subdivision; 490.121, subdivision 4, and by adding a subdivision; 490.123, subdivisions 1a and 1b; 490.124, subdivision 1; 518B.01, subdivision 21; 609.02, subdivisions 3 and 4a; 609.03; 609.033; 609.0331; 609.0332, subdivision 1; 609.034; 609.135, by adding a subdivision; 609.2231, subdivision 1; 609.378, subdivision 1; 611A.07, subdivision 1; 611A.32, subdivisions 1, 2, 3, and 5; 611A.33; 611A.34, subdivisions 1, 2, and 3; 611A.345; 611A.35; 611A.36, subdivisions 1 and 2; 626.556, by adding a subdivision; 629.342, subdivision 2; and 629.72, subdivision 6; Minnesota Statutes 1999 Supplement, sections 3.971, subdivision 8; 10A.01, subdivisions 2 and 21; 13.99, subdivision 108, and by adding a subdivision; 15.059, subdivision 5a; 16A.103, subdivision 1; 16A.129, subdivision 3; 16B.616, subdivisions 3 and 4; 62J.535, subdivision 2; 62J.694, subdivision 2; 116.073, subdivision 1; 116J.421, subdivision 2; 119B.011, subdivision 15; 119B.02, subdivision 1; 125B.21, subdivision 1; 144.395, by adding a subdivision; 144.396, subdivisions 11 and 12; 144A.04, subdivision 5; 147.09; 169.121, subdivisions 3, 3d, and 3f; 169.1217, subdivision 7; 169.129, subdivision 1; 179A.04, subdivision 3; 181.932, subdivision 2; 214.01, subdivision 2; 241.272, subdivision 6; 242.192; 256.01, subdivision 2; 256.019; 256.955, subdivisions 4, 8, and 9; 256B.0916, subdivision 1; 256B.69, subdivision 5b; 256D.03, subdivision 4; 256J.02, subdivision 2; 256J.08, subdivision 86; 256J.21, subdivision 2; 256J.26, subdivision 1; 256J.33, subdivision 4; 256J.34, subdivisions 1 and 4; 256J.46, subdivisions 1, 2, and 2a; 256J.52, subdivisions 3 and 5; 256J.56; 256L.07, subdivision 1; 326.105; 473.3993, subdivision 3; 609.135, subdivision 2; 626.556, subdivision 2; and 626.558, subdivision 1; Laws 1997, chapter 200, article 1, section 5, subdivision 3; Laws 1997, chapter 225, article 4, section 4, as amended; Laws 1998, chapter 389, article 16, section 31, subdivision 2, as amended; Laws 1999, chapter 216, article 1, sections 2, subdivision 3; 9; 14; Laws 1999, chapter 223, article 1, section 6, subdivision 1; article 2, section 81, as amended; article 3, section 8; Laws 1999, chapter 231, sections 2, subdivision 2; 6, as amended; 11, subdivision 3; Laws 1999, chapter 245, article 1, section 2, subdivisions 3, 5, and 10; article 4, section 121; and Laws 1999, chapter 250, article 1, sections 11; 14, subdivision 3; 18; and 116; proposing coding for new law in Minnesota Statutes, chapters 3; 5; 10A; 16A; 41B; 43A; 85; 136F; 144; 145; 169; 181; 182; 198; 242; 252; 256J; 256K; 260B; 326; 345; 473; and 611A; proposing coding for new law as Minnesota Statutes, chapter 146A; repealing Minnesota Statutes 1998, sections 16B.37, subdivisions 1, 2, and 3; 16B.88; 16E.01, subdivisions 2 and 3; 16E.03, subdivisions 1 and 3; 16E.04, subdivision 1; 16E.05; 16E.06; 16E.07, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, and 11; 136F.59, subdivision 3; 168A.40, subdivisions 1 and 3; 184A.01; 184A.02; 184A.03; 184A.04; 184A.05; 184A.06; 184A.07; 184A.08; 184A.09; 184A.10; 184A.11; 184A.12; 184A.13; 184A.14; 184A.15; 184A.16; 184A.17; 184A.18; 184A.19; 184A.20; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 256J.46, subdivision 1a; 352.91, subdivision 4; 465.795; 465.796; 465.797, subdivisions 2, 3, 4, 5, 6, and 7; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.81; 465.82, subdivisions 1, 2, and 3; 465.83; 465.84; 465.85; 465.86; 465.87; and 465.88; Minnesota Statutes 1999 Supplement, sections 16E.01, subdivision 1; 16E.02; 16E.03, subdivisions 2, 4, 5, 6, 7, and 8; 16E.04, subdivision 2; 16E.07, subdivision 4; 16E.08; 43A.318; 144.396, subdivision 13; 168A.40, subdivision 2; 465.797, subdivisions 1 and 5a; and 465.82, subdivision 4; Laws 1997, chapter 203, article 7, section 27; Laws 1999, chapter 135, section 9; Laws 1999, chapter 245, article 5, section 24; and Laws 1999, chapter 250, article 1, section 15, subdivision 4; Minnesota Rules, parts 3800.3810; 7672.0100; 7672.0200; 7672.0300; 7672.0400; 7672.0500; 7672.0600; 7672.0700; 7672.0800; 7672.0900; 7672.1000; 7672.1100; 7672.1200; 7672.1300; 7674.0100; 7674.0200; 7674.0300; 7674.0400; 7674.0500; 7674.0600; 7674.0700; 7674.0800; 7674.0900; 7674.1000; 7674.1100; and 7674.1200.

Goodno moved that the House refuse to concur in the Senate amendments to H. F. No. 2699, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. No. 3145.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3145, A bill for an act relating to the city of Minnetonka; providing a variation from the general statutory priority for designation of a qualified newspaper for publication of its official proceedings and public notices.

The bill was read for the first time.

Sykora moved that S. F. No. 3145 and H. F. No. 3399, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

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 bills to be placed on the Calendar for the Day, immediately following the remaining bills on the Calendar for the Day, for Wednesday, March 22, 2000:

H. F. No. 3312; S. F. Nos. 2193, 2326 and 3581; H. F. No. 3505; S. F. No. 3023; H. F. No. 3409; S. F. No. 2896; H. F. No. 3134; S. F. No. 2748; H. F. No. 2940; S. F. Nos. 2397, 2734, 2868, 2348 and 2634; and H. F. No. 2731.

CALENDAR FOR THE DAY

S. F. No. 2652, A bill for an act relating to utilities; modifying electric power generating plant exemption from the Minnesota Power Plant Siting Act; amending Minnesota Statutes 1998, section 116C.57, subdivision 5a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bishop	Broecker	Carruthers	Clark, J.
Abrams	Bakk	Boudreau	Buesgens	Cassell	Clark, K.
Anderson, B.	Biernat	Bradley	Carlson	Chaudhary	Daggett

Davids	Gunther	Kielkucki	McElroy	Peterson	Sykora
Dawkins	Haake	Knoblach	McGuire	Reuter	Tingelstad
Dehler	Haas	Koskinen	Milbert	Rhodes	Tomassoni
Dempsey	Hackbarth	Krinkie	Molnau	Rifenberg	Tuma
Dorman	Harder	Kubly	Mulder	Rostberg	Tunheim
Dorn	Hasskamp	Kuisle	Mullery	Rukavina	Van Dellen
Entenza	Hausman	Larsen, P.	Murphy	Schumacher	Vandever
Erhardt	Hilty	Larson, D.	Ness	Seifert, J.	Wagenius
Erickson	Holberg	Leighton	Nornes	Seifert, M.	Wejzman
Finseth	Holsten	Lenczewski	Olson	Skoe	Wenzel
Folliard	Howes	Leppik	Opatz	Skoglund	Westerberg
Fuller	Huntley	Lieder	Orfield	Smith	Westfall
Gerlach	Jennings	Lindner	Osskopp	Solberg	Wilkin
Gleason	Johnson	Luther	Ozment	Stanek	Wolf
Goodno	Juhnke	Mahoney	Paulsen	Stang	Workman
Gray	Kahn	Mares	Pawlenty	Storm	Spk. Sviggum
Greenfield	Kalis	Mariani	Paymar	Swapinski	
Greiling	Kelliher	Marko	Pelowski	Swenson	

Those who voted in the negative were:

Trimble Westrom

The bill was passed and its title agreed to.

S. F. No. 2756, A bill for an act relating to hospital districts; authorizing the annexation of a city or town that is contiguous to a contiguous city or town; amending Minnesota Statutes 1998, section 447.36.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Haake	Kielkucki	McGuire	Rhodes
Abrams	Dehler	Haas	Knoblach	Milbert	Rifenberg
Anderson, B.	Dempsey	Hackbarth	Koskinen	Molnau	Rostberg
Anderson, I.	Dorman	Harder	Krinkie	Mulder	Schumacher
Biernat	Dorn	Hasskamp	Kubly	Mullery	Seifert, J.
Bishop	Entenza	Hausman	Kuisle	Murphy	Seifert, M.
Boudreau	Erhardt	Hilty	Larsen, P.	Ness	Skoe
Bradley	Erickson	Holberg	Larson, D.	Nornes	Skoglund
Broecker	Finseth	Holsten	Lenczewski	Olson	Solberg
Buesgens	Folliard	Howes	Leppik	Opatz	Stanek
Carlson	Fuller	Huntley	Lieder	Orfield	Stang
Carruthers	Gerlach	Jaros	Lindner	Osskopp	Storm
Cassell	Gleason	Jennings	Luther	Ozment	Swapinski
Chaudhary	Goodno	Johnson	Mahoney	Paulsen	Swenson
Clark, J.	Gray	Juhnke	Mares	Pawlenty	Sykora
Clark, K.	Greenfield	Kahn	Mariani	Paymar	Tingelstad
Daggett	Greiling	Kalis	Marko	Pelowski	Tomassoni
Davids	Gunther	Kelliher	McElroy	Peterson	Trimble

Tuma	Vandever	Wenzel	Westrom	Workman
Tunheim	Wagenius	Westerberg	Wilkin	Spk. Sviggum
Van Dellen	Wejcman	Westfall	Wolf	

Those who voted in the negative were:

Reuter	Smith
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The bill was passed and its title agreed to.

S. F. No. 3097, A bill for an act relating to corrections; authorizing creation of a fugitive apprehension unit in the department of corrections; prescribing duties for the unit; amending Minnesota Statutes 1999 Supplement, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dawkins	Hausman	Molnau
Boudreau	Dehler	Krinkie	Rukavina

The bill was passed and its title agreed to.

H. F. No. 3708 was reported to the House.

Jennings moved that H. F. No. 3708 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 2656 was reported to the House.

Wolf moved to amend H. F. No. 2656, the first engrossment, as follows:

Page 4, delete line 36

Page 5, delete lines 1 to 24 and insert:

"(14) if an automobile policy provides for the adjustment or settlement of an automobile loss due to damaged window glass, failing to assume all reasonable costs sufficient to pay the insured's chosen vendor for the repair or replacement of comparable window glass provide payment to the insured's chosen vendor based on a competitive price. If the insurer disputes the amount charged by the vendor, the price shall be as established by the commissioner through a market survey to determine a fair and reasonable market price for similar services. The survey shall be:

(a) an annual survey using accepted industry standards;

(b) a statistically significant sample of auto glass vendors; and

(c) of work actually done.

The commissioner shall consult with interested parties in designing the survey document. Reasonable deviation from the market price determined by survey is allowed when based on the facts in each case. This clause does not prohibit an insurer from recommending a vendor to the insured or from agreeing with a vendor to perform work at an agreed-upon price, provided, however, that before recommending a vendor, the insurer shall offer its insured the opportunity to choose the vendor;"

Page 6, delete lines 20 to 22 and insert:

"Sec. 3. [SURVEY REVOLVING ACCOUNT.]

The commissioner of commerce shall deposit in a separate account in the state treasury all money voluntarily contributed by insurance companies and the auto glass industry for purposes of conducting the market survey referenced in section 1. Money in the account is appropriated to the commissioner of commerce for that purpose.

Sec. 4. [EFFECTIVE DATE.]

Sections 2 and 3 are effective the day after final enactment."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Tomassoni moved to amend H. F. No. 2656, the first engrossment, as amended, as follows:

Page 6, after line 19, insert:

"Sec. 3. [SAVINGS TO BE PASSED TO CONSUMERS.]

Any savings experienced by insurance companies, as a result of this act, will be passed on to policy holders in the form of reduced premiums."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the Tomassoni amendment and the roll was called. There were 64 yeas and 64 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Rukavina offered an amendment to H. F. No. 2656, the first engrossment, as amended.

POINT OF ORDER

Dauids raised a point of order pursuant to rule 3.21 that the Rukavina amendment was not in order. Speaker pro tempore Abrams ruled the point of order well taken and the Rukavina amendment out of order.

H. F. No. 2656, A bill for an act relating to consumer protection; regulating auto glass repair and replacement; restricting certain rebates and incentives; appropriating money; amending Minnesota Statutes 1998, section 72A.201, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 325F.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 3161 was reported to the House.

Greenfield moved to amend S. F. No. 3161 as follows:

Page 1, line 15, after the period, insert "The employer-member must provide each employee, at the time employee health coverage is offered, with a written notice that informs the employee of potential eligibility for the MinnesotaCare program under chapter 256L and provides the toll-free phone number for obtaining information on the MinnesotaCare program from the department of human services."

A roll call was requested and properly seconded.

POINT OF ORDER

Mulder raised a point of order pursuant to rule 3.21 that the Greenfield amendment was not in order. Speaker pro tempore Abrams ruled the point of order not well taken and the Greenfield amendment in order.

The question recurred on the Greenfield amendment and the roll was called. There were 59 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

S. F. No. 3161, A bill for an act relating to health; modifying provisions for health care purchasing alliances; amending Minnesota Statutes 1998, sections 62T.03; 62T.05; 62T.06, subdivisions 1 and 2; and 62T.11; Minnesota Statutes 1999 Supplement, section 62T.04; proposing coding for new law in Minnesota Statutes, chapter 62T; repealing Minnesota Statutes 1998, section 62T.13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Greenfield	Kahn	Skoglund	Tomassoni	Wejcman
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The bill was passed and its title agreed to.

S. F. No. 2579 was reported to the House.

Howes moved to amend S. F. No. 2579 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2883, the second engrossment:

"Section 1. [325F.784] [PRESCRIPTION DRUG DISCOUNTS.]

Subdivision 1. [REGULATION.] A person shall not sell, market, promote, advertise, or otherwise distribute any card or other purchasing mechanism or device that is not insurance that purports to offer discounts or access to discounts from pharmacies for prescription drug purchases when:

(1) the card or other purchasing mechanism or device does not expressly state in bold and prominent type, prominently placed, that the discounts are not insurance;

(2) the discounts are not specifically authorized by an individual and separate contract with each pharmacy listed in conjunction with the card or other purchasing mechanism or device; or

(3) the discounts or access to discounts offered, or the range of discounts or access to the range of discounts offered, are misleading, deceptive, or fraudulent.

Subd. 2. [ENFORCEMENT.] (a) The attorney general, or an individual or other person, may maintain an action to enjoin any act in violation of this section and for the recovery of damages.

(b) An action for violation of this section may be brought:

(1) in the county where the plaintiff resides;

(2) in the county where the plaintiff conducts business; or

(3) in the county where the card or other purchasing mechanism or device was sold, marketed, promoted, advertised, or otherwise distributed.

(c)(1) If the court finds that the defendant has violated any of the provisions of this section, the court shall enjoin the defendant from continuing the acts that are in violation of this section.

(2) It is not necessary, except to recover for actual damages under clause (3), item (ii), that actual damages to the plaintiff be alleged or proved in order to maintain an action under this section.

(3) In addition to injunctive relief, the plaintiff in the action may recover from the defendant:

(i) \$100 per card or other purchasing mechanism or device sold, marketed, promoted, advertised, or otherwise distributed within this state, or \$10,000, whichever is greater;

(ii) three times the amount of the actual damages, if any, sustained;

(iii) reasonable attorney fees;

(iv) costs; and

(v) any other relief that the court considers proper.

(d) An action under this section must be commenced within two years after the date on which the violation occurred or within two years after the person bringing the action discovered, or in the exercise of reasonable diligence should have discovered, the occurrence of the violation.

(e) The remedies prescribed in this section are cumulative and in addition to any other applicable criminal, civil, or administrative penalties.

Subd. 3. [DESIGNATION OF AGENT FOR SERVICE OF PROCESS.] Any person who sells, markets, promotes, advertises, or otherwise distributes any card or other purchasing mechanism or device that is not insurance that purports to offer discounts or access to discounts from pharmacies for prescription drug purchases in this state shall designate a resident of this state as an agent for service of process and register the agent with the secretary of state.

Subd. 4. [NONAPPLICATION.] This section does not apply to:

(1) the following goods or services provided by an optometrist or ophthalmologist: eye or vision care services, glasses, or contact lenses;

(2) any card or other purchasing mechanism or device that is not insurance and which is administered in conjunction with a medical benefit by a health insurer, or nonprofit health service plan corporation or health maintenance organization;

(3) a benefit administered by or under contract with, the state of Minnesota; or

(4) a customer discount or membership card issued by a store or buying club for use at that store or buying club."

The motion prevailed and the amendment was adopted.

S. F. No. 2579, A bill for an act relating to trade regulations; regulating certain prescription drug discounts; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 3209, A bill for an act relating to health care; modifying the major commitment expenditure report requirements; amending Minnesota Statutes 1998, section 62J.17, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 3325 was reported to the House.

Stang moved that H. F. No. 3325 be returned to the General Register. The motion prevailed.

S. F. No. 3253, A bill for an act relating to human services; requiring the commissioner of human services to study the medical assistance reimbursement rates for special transportation providers.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Bradley	Clark, K.	Entenza	Gray	Hasskamp
Abrams	Broecker	Daggett	Erhardt	Greenfield	Hausman
Anderson, B.	Buesgens	Davids	Erickson	Greiling	Hilty
Anderson, I.	Carlson	Dawkins	Folliard	Gunther	Holberg
Bakk	Carruthers	Dehler	Fuller	Haake	Holsten
Biernat	Cassell	Dempsey	Gerlach	Haas	Howes
Bishop	Chaudhary	Dorman	Gleason	Hackbarth	Huntley
Boudreau	Clark, J.	Dorn	Goodno	Harder	Jaros

Jennings	Leighton	Mulder	Pelowski	Smith	Vandever
Johnson	Lenczewski	Mullery	Peterson	Solberg	Wagenius
Juhnke	Leppik	Murphy	Pugh	Stanek	Wejzman
Kahn	Lieder	Ness	Rest	Stang	Wenzel
Kalis	Lindner	Nornes	Reuter	Storm	Westerberg
Kelliher	Luther	Olson	Rhodes	Swapinski	Westfall
Kielkucki	Mahoney	Opatz	Rifenberg	Swenson	Westrom
Knoblach	Mares	Orfield	Rostberg	Sykora	Wilkin
Koskinen	Mariani	Osskopp	Rukavina	Tingelstad	Wolf
Krinkie	Marko	Osthoff	Schumacher	Tomassoni	Workman
Kubly	McElroy	Ozment	Seifert, J.	Trimble	Spk. Sviggum
Kuisle	McGuire	Paulsen	Seifert, M.	Tuma	
Larsen, P.	Milbert	Pawlenty	Skoe	Tunheim	
Larson, D.	Molnau	Paymar	Skoglund	Van Dellen	

Those who voted in the negative were:

Finseth

The bill was passed and its title agreed to.

S. F. No. 2691, A bill for an act relating to the State Building Code; transferring authority to develop the energy portions of the building code from the commissioner of public service to the commissioner of administration; amending Minnesota Statutes 1998, sections 16B.61, subdivision 6; 216C.20, subdivision 1; and 216C.27, subdivision 8; repealing Minnesota Statutes 1998, section 216C.195, subdivisions 2 and 3; Minnesota Statutes 1999 Supplement, sections 216C.19, subdivision 8; and 216C.195, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gunther	Kelliher	Marko	Paymar
Abrams	Dawkins	Haake	Kielkucki	McElroy	Pelowski
Anderson, B.	Dehler	Haas	Knoblach	McGuire	Peterson
Anderson, I.	Dempsey	Hackbarth	Koskinen	Milbert	Pugh
Bakk	Dorman	Harder	Krinkie	Molnau	Rest
Biernat	Dorn	Hasskamp	Kubly	Mulder	Reuter
Bishop	Entenza	Hausman	Kuisle	Mullery	Rhodes
Boudreau	Erhardt	Hilty	Larsen, P.	Murphy	Rifenberg
Bradley	Erickson	Holberg	Larson, D.	Ness	Rostberg
Broecker	Finseth	Holsten	Leighton	Nornes	Rukavina
Buesgens	Folliard	Howes	Lenczewski	Olson	Schumacher
Carlson	Fuller	Huntley	Leppik	Opatz	Seifert, J.
Carruthers	Gerlach	Jaros	Lieder	Orfield	Seifert, M.
Cassell	Gleason	Jennings	Lindner	Osskopp	Skoe
Chaudhary	Goodno	Johnson	Luther	Osthoff	Skoglund
Clark, J.	Gray	Juhnke	Mahoney	Ozment	Smith
Clark, K.	Greenfield	Kahn	Mares	Paulsen	Solberg
Daggett	Greiling	Kalis	Mariani	Pawlenty	Stanek

Stang	Sykora	Tuma	Wagenius	Westfall	Workman
Storm	Tingelstad	Tunheim	Wejcman	Westrom	Spk. Sviggum
Swapinski	Tomassoni	Van Dellen	Wenzel	Wilkin	
Swenson	Trimble	Vandev eer	Westerberg	Wolf	

The bill was passed and its title agreed to.

S. F. No. 2365, A bill for an act relating to physician assistants; modifying the supervisory requirement for physician assistants responding to disaster situations; clarifying coverage under medical assistance for physician services performed by a physician assistant; modifying the physician assistant advisory council; amending Minnesota Statutes 1998, sections 147A.27, subdivision 1; and 256B.0625, by adding a subdivision; Minnesota Statutes 1999 Supplement, section 147A.23.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 3122, A bill for an act relating to human services; modifying provisions in health care programs; requiring group residential review; amending Minnesota Statutes 1999 Supplement, sections 256B.0945, subdivisions 1, 2, 4, 5, 6, 7, 8, and 9; 256D.03, subdivision 3; and 256L.03, subdivision 5; Laws 1999, chapter 245, article 8, section 84; repealing Laws 1998, chapter 407, article 5, section 44.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2946 was reported to the House.

Kelliher moved to amend S. F. No. 2946 as follows:

Page 1, line 14, delete "one-half" and insert "one-tenth"

The motion prevailed and the amendment was adopted.

S. F. No. 2946, A bill for an act relating to motor fuels; limiting the use of certain oxygenates in gasoline sold in Minnesota; amending Minnesota Statutes 1998, section 239.761, subdivision 6; Minnesota Statutes 1999 Supplement, section 239.791, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bishop	Broecker	Carruthers	Clark, J.
Abrams	Bakk	Boudreau	Buesgens	Cassell	Clark, K.
Anderson, B.	Biernat	Bradley	Carlson	Chaudhary	Daggett

Davids	Haake	Koskinen	Molnau	Reuter	Tomassoni
Dawkins	Haas	Krinkie	Mulder	Rhodes	Trimble
Dehler	Hackbarth	Kubly	Mullery	Rifenberg	Tuma
Dempsey	Harder	Kuisle	Murphy	Rostberg	Tunheim
Dorman	Hasskamp	Larsen, P.	Ness	Rukavina	Van Dellen
Dorn	Hausman	Larson, D.	Nornes	Schumacher	Vandever
Entenza	Holberg	Leighton	Olson	Seifert, J.	Wagenius
Erhardt	Holsten	Lenczewski	Opatz	Seifert, M.	Wejzman
Erickson	Howes	Leppik	Orfield	Skoe	Wenzel
Finseth	Huntley	Lieder	Osskopp	Skoglund	Westerberg
Folliard	Jaros	Lindner	Osthoff	Smith	Westfall
Fuller	Jennings	Luther	Ozment	Solberg	Westrom
Gerlach	Johnson	Mahoney	Paulsen	Stanek	Wilkin
Gleason	Juhnke	Mares	Pawlenty	Stang	Wolf
Goodno	Kahn	Mariani	Paymar	Storm	Workman
Gray	Kalis	Marko	Pelowski	Swapinski	Spk. Sviggum
Greenfield	Kelliher	McElroy	Peterson	Swenson	
Greiling	Kielkucki	McGuire	Pugh	Sykora	
Gunther	Knoblach	Milbert	Rest	Tingelstad	

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

S. F. No. 3586 was reported to the House.

Gerlach moved that S. F. No. 3586 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3330, A bill for an act relating to corrections; authorizing the commissioner of corrections to establish and operate alternative residential programs for juveniles; deleting a reference to a closed correctional facility; changing the data collection date for the Interstate Compact for Supervision of Parolees and Probationers Report; requiring an offender in phase II of the challenge incarceration program to report to an agent or program staff; requiring that pretrial diversion reports prepared by county attorneys be submitted to the state court administrator; authorizing the commissioner of corrections to enter into rental agreements for emergency housing; appropriating money; amending Minnesota Statutes 1998, sections 241.021, subdivision 4; 242.32, by adding a subdivision; 242.55; 243.162, subdivision 3; 244.172, subdivision 2; and 401.065, subdivision 4; Laws 1999, chapter 216, article 1, section 13, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dehler	Fuller	Haas	Huntley
Abrams	Carlson	Dempsey	Gerlach	Hackbarth	Jaros
Anderson, B.	Cassell	Dorman	Gleason	Harder	Jennings
Anderson, I.	Chaudhary	Dorn	Goodno	Hasskamp	Johnson
Biernat	Clark, J.	Entenza	Gray	Hausman	Juhnke
Bishop	Clark, K.	Erhardt	Greenfield	Hilty	Kahn
Boudreau	Daggett	Erickson	Greiling	Holberg	Kalis
Bradley	Davids	Finseth	Gunther	Holsten	Kelliher
Broecker	Dawkins	Folliard	Haake	Howes	Kielkucki

Knoblach	Mahoney	Olson	Reuter	Stang	Wejman
Koskinen	Mares	Opatz	Rhodes	Storm	Wenzel
Krinkie	Mariani	Orfield	Rifenberg	Swapinski	Westerberg
Kubly	Marko	Osskopp	Rostberg	Swenson	Westfall
Kuisle	McElroy	Osthoff	Rukavina	Sykora	Westrom
Larsen, P.	McGuire	Ozment	Schumacher	Tingelstad	Wilkin
Larson, D.	Milbert	Paulsen	Seifert, J.	Tomassoni	Wolf
Leighton	Molnau	Pawlenty	Seifert, M.	Trimble	Workman
Lenczewski	Mulder	Paymar	Skoe	Tuma	Spk. Sviggum
Leppik	Mullery	Pelowski	Skoglund	Tunheim	
Lieder	Murphy	Peterson	Smith	Van Dellen	
Lindner	Ness	Pugh	Solberg	Vandever	
Luther	Nornes	Rest	Stanek	Wagenius	

Those who voted in the negative were:

Carruthers

The bill was passed and its title agreed to.

S. F. No. 3257 was reported to the House.

Stang moved that S. F. No. 3257 be returned to the General Register. The motion prevailed.

H. F. No. 3497 was reported to the House.

Tuma moved that H. F. No. 3497 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 2629 was reported to the House.

Tingelstad moved that H. F. No. 2629 be returned to the General Register. The motion prevailed.

S. F. No. 2821 was reported to the House.

Rest moved to amend S. F. No. 2821 as follows:

Page 2, line 4, delete everything before the semicolon and insert "date on which the materials would otherwise be due to the attorney general"

Page 2, line 5, after "(2)" insert "if the charitable organization has already been granted a three-month extension pursuant to subdivision 1,"

Page 2, line 8, delete "any" and insert "the"

The motion prevailed and the amendment was adopted.

S. F. No. 2821, A bill for an act relating to charitable organizations; amending report filing requirements; amending Minnesota Statutes 1998, section 309.53, subdivision 2.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 3312 was reported to the House.

Ness and Finseth moved to amend H. F. No. 3312, the first engrossment, as follows:

Page 32, line 35, strike "and"

Page 32, line 36, strike "said" and insert "the"

Page 35, line 35, after the comma, insert "none of the partners are corporations, and:

(1)" and strike "or" and insert "the farm;

(2) at least one of the related persons is"

Page 35, line 36, strike ", and none of the partners are"

Page 36, line 1, strike "corporations" and insert "; or

(3) the agricultural land owned by the limited partnership was owned by one or more of the related persons for a period of five years before its transfer to the limited partnership"

Page 36, line 28, after "(2)" insert "it has"

Page 36, line 32, strike "do" and insert "does"

Page 37, after line 10, insert:

"(l) "Family farm limited liability company" means a limited liability company founded for the purpose of farming and the ownership of agricultural land in which the majority of the membership interests are held by and the majority of the members are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, at least one of the related persons is residing on or actively operating the farm, and none of the members are corporations or limited liability companies. A family farm limited liability company does not cease to qualify as such because of a devise or bequest of membership interests.

(m) "Authorized farm limited liability company" means a limited liability company meeting the following standards:

(1) it has no more than five members;

(2) all its members, other than any estate, are natural persons;

(3) it does not have more than one class of membership interests;

(4) its revenue from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

(5) members holding 51 percent or more of both the governance rights and financial rights in the limited liability company reside on the farm or are actively engaged in farming;

(6) it does not, directly or indirectly, own or otherwise have an interest in any title to more than 1,500 acres of agricultural land; and

(7) none of its members are members in other authorized farm limited liability companies that directly or indirectly in combination with the authorized farm limited liability company own more than 1,500 acres of agricultural land.

(n) "Authorized livestock farm limited liability company" means a limited liability company formed for the production of livestock and meeting the following standards:

(1) it is engaged in the production of livestock other than dairy cattle;

(2) all its members, other than any estate, are natural persons or family farm corporations;

(3) it does not have more than one class of membership interests;

(4) its revenue from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

(5) members holding 75 percent or more of both the governance rights and financial rights in the limited liability company are farmers residing in Minnesota and at least 51 percent of the required percentage of farmers are actively engaged in livestock production;

(6) it does not, directly or indirectly, own or otherwise have an interest in any title to more than 1,500 acres of agricultural land; and

(7) none of its members are members in other authorized farm limited liability companies that directly or indirectly in combination with the authorized livestock farm limited liability company own more than 1,500 acres of agricultural land."

Page 37, line 11, delete "(l)" and insert "(o)"

Page 37, line 16, delete "(m)" and insert "(p)"

Page 37, line 20, delete "(n)" and insert "(q)"

Page 37, line 21, after "partnership," insert "limited liability company."

Page 37, line 26, after "partnership," insert "limited liability company."

Page 37, line 33, delete "(o)" and insert "(r)"

Page 37, line 34, after "partnership" insert ", or limited liability company."

Page 38, line 10, delete "(p)" and insert "(s)" and strike "or" and insert a comma

Page 38, line 11, after "partnership" insert ", or limited liability company"

Page 38, line 14, delete "(q)" and insert "(t)"

Page 38, line 17, delete "(r)" and insert "(u)"

Page 38, line 23, strike "or"

Page 38, line 24, after "partnership" insert ", or a family farm limited liability company"

Page 38, line 32, strike "(s)" and insert "(v)"

Page 38, line 33, after the comma, after "partnership" insert "limited liability company."

Page 38, line 34, strike "corporation, limited"

Page 38, line 35, strike "partnership, or pension or investment" and insert "organization or"

Page 39, line 3, after "partnership," insert "limited liability company."

Page 39, line 10, strike "or"

Page 39, line 11, after "partnership," insert "a family farm limited liability company, an authorized farm limited liability company, or an authorized livestock farm limited liability company."

Page 39, line 18, strike "(t)" and insert "(w)"

Page 40, line 2, strike "(u)" and insert "(x)"

Page 40, line 4, after "partnership," insert "limited liability company,"

Page 40, line 7, strike "(v)" and insert "(y)"

Page 40, line 8, after "partnership," insert "limited liability company,"

Page 40, line 15, strike the second "or" and after "partnership" insert ", or limited liability company"

Page 40, line 20, strike "or" and before the period, insert ", a family farm limited liability company, an authorized farm limited liability company, or an authorized livestock farm limited liability company"

Page 40, line 26, strike the second "or" and after "partnership" insert ", or limited liability company,"

Page 40, line 33, strike "(w)" and insert "(z)"

Page 40, line 34, strike "(x)" and insert "(aa)"

Page 41, line 7, delete "(y)" and insert "(bb)"

Page 41, line 22, delete "(z)" and insert "(cc)"

Page 42, line 4, after "trust," insert "limited liability company,"

Page 42, line 5, strike "meet" and insert "meets"

Page 42, line 6, after "(j)" strike the comma and delete "(k)," and delete "(n)" and strike "(v),"

Page 42, line 7, strike "(x)," and insert "(y)" and delete "(z)" and insert "(aa)"

Page 42, delete line 11, and insert "subdivision 2, paragraphs (b) to (f), (j) to (y),"

Page 42, line 12, delete "(z)" and insert "(aa)"

Page 42, after line 27, insert:

"Sec. 51. Minnesota Statutes 1998, section 500.24, subdivision 3a, is amended to read:

Subd. 3a. [LEASE AGREEMENT; CONSERVATION PRACTICE PROTECTION CLAUSE.] A corporation, pension or investment fund, ~~or~~ limited partnership, or limited liability company other than a ~~family farm corporation, an authorized farm corporation, an authorized livestock farm corporation, a family farm partnership, or an authorized farm partnership~~ those meeting any of the definitions in subdivision 2, paragraphs (c) to (e) or (i) to (m), when leasing farm land to a family farm unit, a family farm corporation, an authorized farm corporation, an authorized livestock farm corporation, a family farm partnership, ~~or~~ an authorized farm partnership, a family farm limited liability company, an authorized farm limited liability company, or an authorized livestock farm limited liability company, under provisions of subdivision 2, paragraph ~~(v)~~ (y), must include within the lease agreement a provision prohibiting intentional damage or destruction to a conservation practice on the agricultural land.

Sec. 52. Minnesota Statutes 1998, section 500.24, subdivision 3b, is amended to read:

Subd. 3b. [PROTECTION OF CONSERVATION PRACTICES.] A corporation, pension or investment fund, ~~or~~ limited partnership, or limited liability company other than ~~a family farm corporation, an authorized farm corporation, an authorized livestock farm corporation, a family farm partnership, or authorized farm partnership~~ those meeting any of the definitions in subdivision 2, paragraphs (c) to (e) or (i) to (m), which, during the period of time it holds agricultural land under subdivision 2, paragraph ~~(v)~~ (y), intentionally destroys a conservation practice as defined in section 103F.401, subdivision 3, to which the state has made a financial contribution, must pay the commissioner, for deposit in the general fund, an amount equal to the state's total contributions to that conservation practice plus interest from the time of investment in the conservation practice. Interest must be calculated at an annual percentage rate of 12 percent."

Page 42, line 32, after "partnership" insert ", limited liability company"

Page 43, line 8, strike "or" and after "partnership" insert ", or limited liability company"

Page 43, line 13, strike "or"

Page 43, line 14, after "partnership," insert "or limited liability company."

Page 43, line 20, strike "or" and after "corporation" insert ", or limited liability company"

Page 43, line 23, strike the second comma and insert "and"

Page 43, line 25, strike "and"

Page 43, line 26, after "corporation," insert "the members of the limited liability company."

Page 43, line 30, strike "or" and after "corporation" insert ", or limited liability company"

Page 44, line 7, after the second "partnership" insert ", a family farm limited liability company, an authorized farm limited liability company, an authorized livestock farm limited liability company"

Page 44, line 10, strike "or the" and insert a comma and after "interests" insert ", or governance and financial rights"

Page 44, line 16, strike the semicolon and insert ", or governance and financial rights"

Page 44, line 19, strike "or" and after "corporation" insert ", or limited liability company"

Page 44, line 24, strike "or" and after "corporation" insert ", or limited liability company"

Page 44, line 29, strike "or" and after "corporation" insert ", or limited liability company"

Page 46, after line 4, insert:

"Sec. 52. Minnesota Statutes 1999 Supplement, section 500.245, subdivision 1, is amended to read:

Subdivision 1. [DISPOSAL OF LAND.] (a) A state or federal agency, limited partnership, ~~or a corporation,~~ or limited liability company may not lease or sell agricultural land or a farm homestead before offering or making a good faith effort to offer the land for sale or lease to the immediately preceding former owner at a price no higher than the highest price offered by a third party that is acceptable to the seller or lessor. The offer must be made on the notice to offer form under subdivision 2. The requirements of this subdivision do not apply to a sale or lease by a corporation that is a family farm corporation or an authorized farm corporation or to a sale or lease by the

commissioner of agriculture of property acquired by the state under the family farm security program under chapter 41. This subdivision applies only to a sale or lease when the seller or lessor acquired the property by enforcing a debt against the agricultural land or farm homestead, including foreclosure of a mortgage, accepting a deed in lieu of foreclosure, terminating a contract for deed, or accepting a deed in lieu of terminating a contract for deed. Selling or leasing property to a third party at a price is prima facie evidence that the price is acceptable to the seller or lessor. The seller must provide written notice to the immediately preceding former owner that the agricultural land or farm homestead will be offered for sale at least 14 days before the agricultural land or farm homestead is offered for sale.

(b) An immediately preceding former owner is the entity with record legal title to the agricultural land or farm homestead before acquisition by the state or federal agency or corporation except: if the immediately preceding former owner is a bankruptcy estate, the debtor in bankruptcy is the immediately preceding former owner; and if the agricultural land or farm homestead was acquired by termination of a contract for deed or deed in lieu of termination of a contract for deed, the immediately preceding former owner is the purchaser under the contract for deed. For purposes of this subdivision, only a family farm, family farm corporation, ~~or~~ family farm partnership, or family farm limited liability company can be an immediately preceding former owner.

(c) An immediately preceding former owner may elect to purchase or lease the entire property or an agreed to portion of the property. If the immediately preceding former owner elects to purchase or lease a portion of the property, the election must be reported in writing to the seller or lessor prior to the time the property is first offered for sale or lease. If election is made to purchase or lease a portion of the property, the portion must be contiguous and compact so that it does not unreasonably reduce access to or the value of the remaining property.

(d) For purposes of this subdivision, the term "a price no higher than the highest price offered by a third party" means the acceptable cash price offered by a third party or the acceptable time-price offer made by a third party. A cash price offer is one that involves simultaneous transfer of title for payment of the entire amount of the offer. If the acceptable offer made by a third party is a time-price offer, the seller or lessor must make the same time-price offer or an equivalent cash offer to the immediately preceding former owner. An equivalent cash offer is equal to the total of the payments made over a period of the time-price offer discounted by yield curve of the United States treasury notes and bonds of similar maturity on the first business day of the month in which the offer is personally delivered or mailed for time periods similar to the time period covered by the time-price offer, plus 2.0 percent. A time-price offer is an offer that is financed entirely or partially by the seller and includes an offer to purchase under a contract for deed or mortgage. An equivalent cash offer is not required to be made if the state participates in an offer to a third party through the rural finance authority.

(e) This subdivision applies to a seller when the property is sold and to a lessor each time the property is leased, for the time period specified in section 500.24, subdivision 2, paragraph ~~(v)~~(y), after the agricultural land is acquired except:

(1) an offer to lease to the immediately preceding former owner is required only until the immediately preceding owner fails to accept an offer to lease the property or the property is sold;

(2) an offer to sell to the immediately preceding former owner is required until the property is sold; and

(3) if the immediately preceding former owner elects to lease or purchase a portion of the property, this subdivision does not apply to the seller with regard to the balance of the property after the election is made under paragraph (c).

(f) The notice of an offer under subdivision 2 that is personally delivered with a signed receipt or sent by certified mail with a receipt of mailing to the immediately preceding former owner's last known address is a good faith offer.

(g) This subdivision does not apply to a sale or lease that occurs after the seller or lessor has held the property for the time period specified in section 500.24, subdivision 2, paragraph ~~(v)~~(y).

(h) For purposes of this subdivision, if the immediately preceding former owner is a bankruptcy estate the debtor in the bankruptcy is the immediately preceding owner.

(i) The immediately preceding former owner must exercise the right to lease all or a portion of the agricultural land or a homestead located on agricultural land in writing within 15 days after an offer to lease under this subdivision is mailed with a receipt of mailing or personally delivered. If election is made to lease only the homestead or a portion of the agricultural land, the portion to be leased must be clearly identified in writing. The immediately preceding former owner must exercise the right to buy the agricultural land, a portion of the agricultural land, or a farm homestead located on agricultural land, in writing, within 65 days after an offer to buy under this subdivision is mailed with a receipt of mailing or is personally delivered. Within ten days after exercising the right to lease or buy by accepting the offer, the immediately preceding owner must fully perform according to the terms of the offer including paying the amounts due. A seller may sell and a lessor may lease the agricultural land or farm homestead subject to this subdivision to the third party in accordance with their lease or purchase agreement if:

(1) the immediately preceding former owner does not accept an offer to lease or buy before the offer terminates; or

(2) the immediately preceding former owner does not perform the obligations of the offer, including paying the amounts due, within ten days after accepting the offer.

(j) A certificate indicating whether or not the property contains agricultural land or a farm homestead that is signed by the county assessor where the property is located and recorded in the office of the county recorder or the registrar of titles where the property is located is prima facie evidence of whether the property is agricultural land or a farm homestead.

(k) As prima facie evidence that an offer to sell or lease agricultural land or a farm homestead has terminated, a receipt of mailing the notice under subdivision 2 and an affidavit, signed by a person authorized to act on behalf of a state, federal agency, or corporation selling or leasing the agricultural land or a farm homestead may be filed in the office of the county recorder or registrar of titles of the county where the agricultural land or farm homestead is located. The affidavit must state that:

(1) notice of an offer to buy or lease the agricultural land or farm homestead was provided to the immediately preceding former owner at a price not higher than the highest price offered by a third party that is acceptable;

(2) the time during which the immediately preceding former owner is required to exercise the right to buy or lease the agricultural land or farm homestead has expired;

(3) the immediately preceding former owner has not exercised the right to buy or lease the agricultural land or farm homestead as provided in this subdivision or has accepted an offer and has not fully performed according to the terms of the offer; and

(4) the offer to the immediately preceding former owner has terminated.

(l) The right of an immediately preceding former owner to receive an offer to lease or purchase agricultural land under this subdivision or to lease or purchase at a price no higher than the highest price offered by a third party that is acceptable to the seller or lessor may be extinguished or limited by an express statement signed by the immediately preceding owner that complies with the plain language requirements of section 325G.31. The right may not be extinguished or limited except by:

(1) an express statement in a deed in lieu of foreclosure of the agricultural land;

(2) an express statement in a deed in lieu of a termination of a contract for deed for the agricultural land;

(3) an express statement conveying the right to the state or federal agency or corporation owning the agricultural land that is required to make an offer under this subdivision; however, the preceding former owner may rescind the conveyance by notifying the state or federal agency or corporation in writing within 20 calendar days after signing the express statement;

(4) to cure a title defect, an express statement conveying the right may be made to a person to whom the agricultural land has been transferred by the state or federal agency or corporation; or

(5) an express statement conveying the right to a contract for deed vendee to whom the agricultural land or farm homestead was sold under a contract for deed by the immediately preceding former owner if the express statement and the contract for deed are recorded.

(m) The right of an immediately preceding former owner to receive an offer to lease or purchase agricultural land under this subdivision may not be assigned or transferred except as provided in paragraph (l), but may be inherited.

(n) An immediately preceding former owner, except a former owner who is actively engaged in farming as defined in section 500.24, subdivision 2, paragraph (a), and who agrees to remain actively engaged in farming on a portion of the agricultural land or farm homestead for at least one year after accepting an offer under this subdivision, may not sell agricultural land acquired by accepting an offer under this subdivision if the arrangement of the sale was negotiated or agreed to prior to the former owner accepting the offer under this subdivision. A person who sells property in violation of this paragraph is liable for damages plus reasonable attorney fees to a person who is damaged by a sale in violation of this paragraph. There is a rebuttable presumption that a sale by an immediately preceding former owner is in violation of this paragraph if the sale takes place within 270 days of the former owner accepting the offer under this subdivision. This paragraph does not apply to a sale by an immediately preceding former owner to the owner's spouse, the owner's parents, the owner's sisters and brothers, the owner's spouse's sisters and brothers, or the owner's children.

Sec. 53. Minnesota Statutes 1998, section 500.245, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF OFFER.] (a) The state, a federal agency, limited partnership, ~~or a corporation,~~ or limited liability company subject to subdivision 1 must provide a notice of an offer to sell or lease agricultural land substantially as follows, after inserting the appropriate terms within the parentheses:

"NOTICE OF OFFER TO (LEASE, BUY) AGRICULTURAL LAND

TO:

(. . .Immediately preceding former owner. . .)

FROM:

(. . .The state, federal agency, limited partnership, ~~or corporation,~~ or limited liability company subject to subdivision 1. . .)

DATE:

(. . .date notice is mailed or personally delivered. . .)

(. . .The state, federal agency, limited partnership, ~~or corporation,~~ or limited liability company. . .) HAS ACQUIRED THE AGRICULTURAL LAND DESCRIBED BELOW AND HAS RECEIVED AN ACCEPTABLE OFFER TO (LEASE, SELL) THE AGRICULTURAL LAND FROM ANOTHER PARTY. UNDER MINNESOTA STATUTES, SECTION 500.245, SUBDIVISION 1, AN OFFER FROM (. . .the state, federal agency, limited partnership, ~~or corporation,~~ or limited liability company. . .) MUST BE MADE TO YOU AT A PRICE NO HIGHER THAN THE HIGHEST OFFER MADE BY ANOTHER PARTY.

THE AGRICULTURAL LAND BEING OFFERED CONTAINS APPROXIMATELY (. . .approximate number of acres. . .) ACRES AND IS INFORMALLY DESCRIBED AS FOLLOWS:

(Informal description of the agricultural land being offered that reasonably describes the land. This description does not need to be a legal description.)

(. . .The state, federal agency, limited partnership, ~~or~~ corporation, or limited liability company. . .) OFFERS TO (SELL, LEASE) THE AGRICULTURAL LAND DESCRIBED ABOVE FOR A CASH PRICE OF \$(. . .cash price or equivalent cash price for lease and lease period, or cash price or equivalent cash price for sale of land. . .), WHICH IS NOT HIGHER THAN THE PRICE OFFERED BY ANOTHER PARTY. THE PRICE IS OFFERED ON THE FOLLOWING TERMS:

(Terms, if any, of acceptable offer)

IF YOU WANT TO ACCEPT THIS OFFER YOU MUST NOTIFY (. . .the state, federal agency, limited partnership, ~~or~~ corporation, or limited liability company. . .) IN WRITING THAT YOU ACCEPT THE OFFER OR SIGN UNDERNEATH THE FOLLOWING PARAGRAPH AND RETURN A COPY OF THIS NOTICE BY (15 for a lease, 65 for a sale) DAYS AFTER THIS NOTICE IS PERSONALLY DELIVERED OR MAILED TO YOU. THE OFFER IN THIS NOTICE TERMINATES ON (. . .date of termination - 15 days for lease and 65 days for sale after date of mailing or personal delivery. . .)

ACCEPTANCE OF OFFER

I ACCEPT THE OFFER TO (BUY, LEASE) THE AGRICULTURAL LAND DESCRIBED ABOVE AT THE PRICE OFFERED TO ME IN THIS NOTICE. AS PART OF ACCEPTING THIS OFFER I WILL PERFORM ACCORDING TO THE TERMS OF THE OFFER, INCLUDING MAKING PAYMENTS DUE UNDER THE OFFER, WITHIN TEN DAYS AFTER THE DATE I ACCEPT THIS OFFER. I UNDERSTAND THAT NEGOTIATING OR AGREEING TO AN ARRANGEMENT TO SELL THE AGRICULTURAL LAND TO ANOTHER PERSON PRIOR TO ACCEPTING THIS OFFER MAY BE A VIOLATION OF LAW AND I MAY BE LIABLE TO A PERSON DAMAGED BY THE SALE.

.....
Signature of Former Owner Accepting Offer

.....
Date"

IMPORTANT NOTICE

ANY ACTION FOR THE RECOVERY OF THE AGRICULTURAL LAND DESCRIBED ABOVE OR ANY ACTION FOR DAMAGES, EXCEPT FOR DAMAGES FOR FRAUD, REGARDING THIS OFFER MUST BE COMMENCED BY A LAWSUIT BEFORE THE EXPIRATION OF THREE YEARS AFTER THIS LAND IS SOLD TO ANOTHER PARTY. UPON FILING A LAWSUIT, YOU MUST ALSO FILE A NOTICE OF LIS PENDENS WITH THE COUNTY RECORDER OR REGISTRAR OF TITLES IN THE COUNTY WHERE THE LAND IS LOCATED.

(b) For an offer to sell, a copy of the purchase agreement containing the price and terms of the highest offer made by a third party that is acceptable to the seller and a signed affidavit by the seller affirming that the purchase agreement is true, accurate, and made in good faith must be included with the notice under this subdivision. At the seller's discretion, reference to the third party's identity may be deleted from the copy of the purchase agreement.

(c) For an offer to lease, a copy of the lease containing the price and terms of the highest offer made by a third party that is acceptable to the lessor and a signed affidavit by the lessor affirming that the lease is true, accurate, and made in good faith must be included with the notice under this subdivision. At the lessor's discretion, reference to the third party's identity may be deleted from the copy of the lease agreement.

(d) The affidavit under paragraphs (b) and (c) is subject to section 609.48."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Peterson raised a point of order pursuant to rule 3.21 that the Ness and Finseth amendment was not in order. Speaker pro tempore Abrams ruled the point of order not well taken and the Ness and Finseth amendment in order.

Peterson appealed the decision of Speaker pro tempore Abrams.

A roll call was requested and properly seconded.

LAY ON THE TABLE

McElroy moved to lay the Peterson appeal of the decision of Speaker pro tempore Abrams on the table.

A roll call was requested and properly seconded.

The question was taken on the McElroy motion and the roll was called. There were 69 yeas and 60 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The Speaker resumed the Chair.

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

The question recurred on the Ness and Finseth amendment and the roll was called. There were 76 yeas and 52 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, I.	Entenza	Jennings	Luther	Osthoff	Tomassoni
Bakk	Folliard	Johnson	Mahoney	Paymar	Trimble
Biernat	Gleason	Kahn	Marko	Pelowski	Tuma
Carlson	Gray	Kelliher	McGuire	Peterson	Tunheim
Carruthers	Greenfield	Koskinen	Milbert	Pugh	Wagenius
Chaudhary	Greiling	Kubly	Mullery	Rukavina	Wejcman
Clark, K.	Hausman	Larson, D.	Murphy	Skoglund	Wenzel
Dawkins	Huntley	Leighton	Opatz	Solberg	
Dorn	Jaros	Lenczewski	Orfield	Swapinski	

The motion prevailed and the amendment was adopted.

Gunther moved to amend H. F. No. 3312, the first engrossment, as amended, as follows:

Page 13, after line 14, insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 28A.075, is amended to read:

28A.075 [DELEGATION TO LOCAL BOARD OF HEALTH.]

(a) At the request of a local board of health that licensed and inspected grocery and convenience stores on January 1, 1999, the commissioner must enter into agreements before January 1, 2001, with local boards of health to delegate to the appropriate local board of health the licensing and inspection duties of the commissioner pertaining to retail food handlers that are grocery or convenience stores. At the request of a local board of health that licensed and inspected part of any grocery or convenience store on January 1, 1999, the commissioner must enter into agreements before July 1, 2001, with local boards of health to delegate to the appropriate local board of health the licensing and inspection duties of the commissioner pertaining to retail food handlers that are grocery or convenience stores. Retail grocery or convenience stores inspected under the state meat inspection program of chapter 31A are exempt from delegation.

(b) A local board of health must adopt an ordinance consistent with the Minnesota Food Code, Minnesota Rules, chapter 4626, for all of its jurisdiction to regulate grocery and convenience stores and the ordinance (Food Code) must not be in conflict with standards set in law or rule."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Westrom moved to amend H. F. No. 3312, the first engrossment, as amended, as follows:

Page 10, after line 15, insert:

"Sec. 15. Minnesota Statutes 1998, section 21.86, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITIONS.] A person may not advertise or sell any agricultural, vegetable, flower, or tree and shrub seed if:

(a) Except as provided in clauses (1) to (3), a test to determine the percentage of germination required by sections 21.82 and 21.83 has not been completed within a nine-month period, exclusive of the calendar month in which the test was completed.

(1) When advertised or offered for sale as agricultural seed, native grass and forb seeds must have been tested for percentage of germination as required by section 21.82 within a 14-month period, exclusive of the calendar month in which the test was completed.

(2) This prohibition does not apply to tree, shrub, agricultural, or vegetable seeds packaged in hermetically sealed containers. Seeds packaged in hermetically sealed containers under the conditions defined by rule may be offered for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging.

(3) If seeds in hermetically sealed containers are offered for sale more than 36 months after the last day of the month in which they were tested prior to packaging, they must be retested within a nine-month period, exclusive of the calendar month in which the retest was completed;

- (b) It is not labeled in accordance with sections 21.82 and 21.83 or has false or misleading labeling;
- (c) False or misleading advertisement has been used in respect to its sale;
- (d) It contains prohibited noxious weed seeds;
- (e) It consists of or contains restricted noxious weed seeds in excess of 25 seeds per pound or in excess of the number declared on the label attached to the container of the seed or associated with the seed;
- (f) It contains more than one percent by weight of all weed seeds;
- (g) It contains less than the stated net weight of contents;
- (h) It contains less than the stated number of seeds in the container;
- (i) It contains any labeling, advertising, or other representation subject to sections 21.82 and 21.83 representing the seed to be certified unless:
 - (1) it has been determined by a seed certifying agency that the seed conformed to standards of purity and identity as to kind, species, subspecies, or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules pertaining to the seed; and
 - (2) the seed bears an official label issued for it by a seed certifying agency stating that the seed is of a certified class and a specified kind, species, subspecies, or variety;
- (j) It is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection has been granted under United States Code, title 7, sections 2481 to 2486, specifying sale by variety name only as a class of certified seed. Seed from a certified lot may be labeled as to variety name when used in a blend or mixture by or with approval of the owner of the variety; or
- (k) The person whose name appears on the label does not have complete records including a file sample of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state as required in section 21.84."

Page 46, line 6, delete "Section" and insert "Sections" and after "2" insert "and 15"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

Kahn; Swapinski; Wejcman; Hausman; Kelliher; Orfield; Hilty; Clark, K., and Wagenius moved to amend the Westrom amendment to H. F. No. 3312, the first engrossment, as amended, as follows:

Page 1, after line 3, insert:

"Section 1. Minnesota Statutes 1998, section 21.81, is amended by adding a subdivision to read:

Subd. 8a. [GENETICALLY MODIFIED SEEDS.] "Genetically modified seeds" means agricultural seeds, flower seeds, or vegetable seeds that have been directly or indirectly modified by the use of genetic engineering as defined in section 18F.02, subdivision 4.

Sec. 2. Minnesota Statutes 1998, section 21.81, is amended by adding a subdivision to read:

Subd. 10a. [GMO-FREE SEEDS.] "GMO-free seeds" means agricultural seeds, flower seeds, or vegetable seeds that have been effectively segregated from genetically modified seeds when grown, harvested, conditioned, and packaged to ensure that they are not contaminated through cross-pollination or during handling.

Sec. 3. Minnesota Statutes 1998, section 21.82, subdivision 2, is amended to read:

Subd. 2. [CONTENT.] For agricultural, vegetable, or flower seeds, except as otherwise provided in subdivisions 4, 5, 6, 7 and 8, the label shall contain:

(a) The name of the kind or kind and variety for each agricultural or vegetable seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. The commissioner shall by rule designate the kinds that are required to be labeled as to variety. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label shall show the name of the kind and the words: "Variety not stated."

(1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of five percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be shown on the label in conjunction with the kind.

(2) Blends shall be listed on the label using the term "blend" in conjunction with the kind.

(3) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(b) Lot number or other lot identification.

(c) Origin, if known, or that the origin is unknown.

(d) Content, by weight, percent, or other meaningful measure, of genetically modified seeds. Under the heading "genetically modified content" the words:

(1) "genetically modified" if at least 90 percent genetically modified seeds;

(2) "approximately .. percent of genetically modified seeds" if of a known percentage less than 90 percent;

(3) "genetically modified content unknown" if unknown; or

(4) "free of genetically modified seeds" if GMO-free.

(e) Percentage by weight of all weed seeds present in agricultural, vegetable, or flower seed. This percentage may not exceed one percent. If weed seeds are not present in vegetable or flower seeds, the heading "weed seeds" may be omitted from the label.

~~(f)~~ (f) Name and rate of occurrence per pound of each kind of restricted noxious weed seeds present. They shall be listed under the heading "noxious weed seeds." If noxious weed seeds are not present in vegetable or flower seeds, the heading "noxious weed seeds" may be omitted from the label.

(f) (g) Percentage by weight of agricultural, vegetable, or flower seeds other than those required to be named on the label. They shall be listed under the heading "other crop." If "other crop" seeds are not present in vegetable or flower seeds, the heading "other crop" may be omitted from the label.

(g) (h) Percentage by weight of inert matter.

(h) (i) Net weight of contents, to appear on either the container or the label, except that in the case of vegetable or flower seed containers with contents of 200 seeds or less, a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents.

(i) (j) For each named agricultural or vegetable seed:

(1) percentage of germination, exclusive of hard seed;

(2) percentage of hard seed, if present; and

(3) the calendar month and year the percentages were determined by test.

(j) (k) Name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.

Sec. 4. Minnesota Statutes 1998, section 21.85, is amended by adding a subdivision to read:

Subd. 11a. [GUIDELINES FOR GMO-FREE LABELING.] The commissioner may publish guidelines or set standards for the growing, harvesting, transporting, handling, conditioning, and labeling of GMO-FREE seeds. These guidelines or standards may be adopted by reference to standards established by a qualified standards setting organization.

Page 3, after line 7, insert:

"Sec. 6. Minnesota Statutes 1998, section 21.86, is amended by adding a subdivision to read:

Subd. 3. [CONTAMINATION OF NON-GMO SEEDS, CROPS; LIABILITY.] (a) No person may:

(1) knowingly allow the mixing or commingling of seeds intended for sale or use as non-GMO seeds with seeds having known or undetermined genetically modified content; or

(2) knowingly grow an agricultural crop from seeds known to contain genetically modified content in such a location or manner as to permit cross-pollination with crops of another person known by the person to be grown from non-GMO seeds.

(b) A person violating paragraph (a) is strictly liable in tort to a grower of a non-GMO crop who suffers damage due to seed commingling or cross-pollination."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

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

Westrom withdrew his amendment to H. F. No. 3312, the first engrossment, as amended.

Peterson offered an amendment to H. F. No. 3312, the first engrossment, as amended.

POINT OF ORDER

Finseth raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Peterson amendment was not in order. The Speaker ruled the point of order well taken and the Peterson amendment out of order.

Kahn, Swapinski, Kelliher, Wagenius, Wejcman and Orfield offered an amendment to H. F. No. 3312, the first engrossment, as amended.

POINT OF ORDER

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

Kahn appealed the decision of the Speaker.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Abrams moved to lay the Kahn 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. There were 68 yeas and 59 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

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

The Speaker called Abrams to the Chair.

Peterson moved to amend H. F. No. 3312, the first engrossment, as amended, as follows:

Page 29, after line 36, insert:

"Sec. 42. Minnesota Statutes 1998, section 223.16, subdivision 5, is amended to read:

Subd. 5. [GRAIN BUYER.] "Grain buyer" means a person who purchases grain ~~from a producer~~ for the purpose of reselling the grain with the exception of a person who purchases seed grain for crop production or who purchases grain as feed for the person's own livestock."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Kubly and Peterson offered an amendment to H. F. No. 3312, the first engrossment, as amended.

POINT OF ORDER

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

Peterson moved to amend H. F. No. 3312, the first engrossment, as amended, as follows:

Page 1, after line 36, insert:

"Section 1. Minnesota Statutes 1998, section 17.03, is amended by adding a subdivision to read:

Subd. 13. [ASSISTANT COMMISSIONER.] The commissioner shall reassign an existing assistant commissioner or employee position. The assistant commissioner shall review, in consultation with the attorney general, agri-business mergers, issues of market concentration, and antitrust issues and make recommendations for any necessary legislative action to the house of representatives and senate policy committees with jurisdiction over agriculture."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Finseth raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Peterson amendment was not in order. The Speaker ruled the point of order not well taken and the Peterson amendment in order.

The question recurred on the Peterson amendment and the roll was called. There were 57 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H. F. No. 3312, A bill for an act relating to agriculture; changing the scope of the value-added agricultural product processing and marketing grant program; establishing a certification pilot program; changing meeting provisions and duties of the board of grain standards; changing certain fees; making technical changes to pesticide and fertilizer laws; clarifying the scope of certain regulation of wholesale produce dealers; updating certain food standards; simplifying certain language; providing for uniformity in meat and poultry inspection; changing certain reporting requirements; increasing the amount of livestock dealer bonds; clarifying status of certain grain buying transactions; changing certain grain storage provisions; changing the corporate and partnership farming law; amending Minnesota Statutes 1998, sections 17.101, subdivision 5; 17A.05, subdivision 2; 17B.07; 17B.12; 18C.005, subdivision 34, and by adding a subdivision; 18C.215, subdivisions 1, 2, and by adding a subdivision; 18C.411, subdivision 1; 18C.421, subdivision 1; 18D.201, subdivision 3; 27.01, subdivision 8; 27.19, subdivision 1; 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 31.632; 31.633, subdivision 1; 31.651; 31A.02, subdivisions 5, 6, 10, 13, and 14; 31A.03; 31A.05; 31A.06; 31A.07, subdivisions 1 and 2; 31A.08; 31A.10; 31A.13; 31A.16; 31A.17; 223.16, subdivision 5; 223.17, subdivision 5; 223.175; 232.21, by adding a subdivision; 232.23, subdivisions 1, 3, and 6; 500.24, subdivisions 3a, 3b, 4, and 5; and 500.245, subdivision 2; Minnesota Statutes 1999 Supplement, sections 17B.15, subdivision 1; 28A.075; 31A.01; 31A.15, subdivision 1; 31B.07, subdivision 3; 500.24, subdivisions 2 and 3; and 500.245, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 17.

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 124 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dorman	Gray	Howes	Krinkie
Abrams	Carruthers	Dorn	Greenfield	Huntley	Kubly
Anderson, B.	Cassell	Entenza	Gunther	Jennings	Kuise
Anderson, I.	Chaudhary	Erhardt	Haake	Johnson	Larsen, P.
Bakk	Clark, J.	Erickson	Haas	Juhnke	Larson, D.
Biernat	Clark, K.	Finseth	Hackbarth	Kahn	Leighton
Bishop	Daggett	Folliard	Harder	Kalis	Lenczewski
Boudreau	Davids	Fuller	Hasskamp	Kelliher	Leppik
Bradley	Dawkins	Gerlach	Hilty	Kielkucki	Lieder
Broecker	Dehler	Gleason	Holberg	Knoblach	Lindner
Buesgens	Dempsey	Goodno	Holsten	Koskinen	Luther

Mahoney	Murphy	Pawlenty	Schumacher	Swapinski	Wenzel
Mares	Ness	Paymar	Seifert, J.	Swenson	Westerberg
Mariani	Nornes	Pelowski	Seifert, M.	Sykora	Westfall
Marko	Olson	Peterson	Skoe	Tingelstad	Westrom
McElroy	Opatz	Pugh	Skoglund	Tomassoni	Wilkin
McGuire	Orfield	Reuter	Smith	Tuma	Wolf
Milbert	Osskopp	Rhodes	Solberg	Tunheim	Workman
Molnau	Osthoff	Rifenberg	Stanek	Van Dellen	Spk. Sviggum
Mulder	Ozment	Rostberg	Stang	Vandever	
Mullery	Paulsen	Rukavina	Storm	Wejcman	

Those who voted in the negative were:

Greiling	Hausman	Trimble	Wagenius
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The bill was passed, as amended, and its title agreed to.

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Seagren moved that the names of Sykora and Leppik be added as authors on H. F. No. 3800. The motion prevailed.

Haas moved that the name of Seagren be added as an author on H. F. No. 3923. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3047:

Kuisle, Bishop and Mullery.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Abrams announced his intention to place H. F. No. 4078 on the Fiscal Calendar for Thursday, March 23, 2000.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, March 23, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, March 23, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

