

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2002

EIGHTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 14, 2002

The House of Representatives convened at 8:30 a.m. and was called to order by Steve Sviggum, Speaker of the House.

"The Eagle's Whistle" and "When Irish Eyes are Smiling" were performed on the uilleann pipe by Tom Klein, an Irish musician from St. Paul, Minnesota.

Prayer was offered by Monsignor James D. Habiger, University of St. Thomas, St. 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	Dibble	Hilty	Larson	Otremba	Stang
Abrams	Dorman	Holberg	Leighton	Ozment	Swapinski
Anderson, B.	Dorn	Holsten	Lenczewski	Paulsen	Swenson
Anderson, I.	Eastlund	Howes	Leppik	Pawlenty	Sykora
Bakk	Entenza	Huntley	Lieder	Paymar	Thompson
Bernardy	Erhardt	Jacobson	Lindner	Pelowski	Tingelstad
Biernat	Erickson	Jaros	Lipman	Penas	Tuma
Bishop	Evans	Jennings	Mahoney	Peterson	Vandever
Blaine	Finseth	Johnson, J.	Mares	Pugh	Wagenius
Boudreau	Folliard	Johnson, R.	Mariani	Rhodes	Walker
Bradley	Fuller	Johnson, S.	Marko	Rifenberg	Walz
Buesgens	Gerlach	Jordan	Marquart	Rukavina	Wasiluk
Carlson	Gleason	Juhnke	McElroy	Ruth	Westerberg
Cassell	Goodno	Kahn	McGuire	Schumacher	Westrom
Clark, J.	Goodwin	Kalis	Milbert	Seagren	Wilkin
Clark, K.	Gray	Kelliher	Molnau	Seifert	Winter
Daggett	Greiling	Kielkucki	Mullery	Sertich	Wolf
Davids	Gunther	Knoblach	Murphy	Skoe	Workman
Davnie	Haas	Koskinen	Ness	Skoglund	Spk. Sviggum
Dawkins	Hackbarth	Krinkie	Nornes	Slawik	
Dehler	Harder	Kubly	Opatz	Solberg	
Dempsey	Hilstrom	Kuisle	Osskopp	Stanek	

A quorum was present.

Hausman was excused.

Olson was excused until 9:20 a.m. Mulder was excused until 9:30 a.m. Osthoff and Smith were excused until 10:20 a.m.

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

CERTIFICATION PURSUANT TO RULE 4.03
ON FINANCE AND REVENUE BILLS

March 14, 2002

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. 197, 766, 2515, 2902, 3011 and 3618 reconcile with the budget resolution and targets.

Sincerely,

REPRESENTATIVE DAVE BISHOP
Chair, House Ways and Means Committee

REPORTS OF CHIEF CLERK

S. F. No. 1226 and H. F. No. 1413, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Tuma moved that the rules be so far suspended that S. F. No. 1226 be substituted for H. F. No. 1413 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2559 and H. F. No. 2643, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Gerlach moved that the rules be so far suspended that S. F. No. 2559 be substituted for H. F. No. 2643 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2692 and H. F. No. 2757, 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. 2692 be substituted for H. F. No. 2757 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2932 and H. F. No. 3275, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Gerlach moved that the rules be so far suspended that S. F. No. 2932 be substituted for H. F. No. 3275 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3238 and H. F. No. 3445, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Wagenius moved that S. F. No. 3238 be substituted for H. F. No. 3445 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 3007, A bill for an act relating to school districts; providing for school districts to opt out of certain state mandates; proposing coding for new law as Minnesota Statutes, chapter 471B.

Reported the same back with the following amendments:

Page 1, line 11, delete "includes" and insert "excludes"

Page 3, line 11, after the period, insert "The school district must also pay the state auditor a filing fee of \$75 at the time the school district files its resolution to cover costs incurred by the state auditor in performing the duties assigned to the state auditor in this chapter. The fees collected under this section must be deposited in the general fund and are appropriated to the state auditor for the purposes of this section. On July 1, 2003, and July 1 of each year thereafter, using the powers granted under chapter 6, the auditor must determine the actual cost of performing the duties assigned in this chapter and adjust the amount of the fee so that it fully covers the auditor's costs."

Page 3, line 12, delete "For each state mandate"

Page 3, delete lines 13 to 18 and insert "The state auditor"

Page 4, delete lines 1 to 4 and insert:

"(1) publish a list of the affected laws and school districts; and

(2) provide appropriate finding aids or cross-references to the list for users of the statutes."

Page 5, line 10, delete "10" and insert "9"

Page 5, line 12, delete "11" and insert "10"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Policy.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 3270, A bill for an act relating to state government; abolishing the department of employee relations; transferring duties; repealing Minnesota Statutes 2000, sections 43A.03; 176.5401.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 3.06, subdivision 1, is amended to read:

Subdivision 1. [ELECTION.] Thereupon, if a quorum is present, the houses shall elect the following officers, any of whom may be removed by resolution of the appointing body.

The senate shall elect a secretary, a first and a second assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, an assistant sergeant-at-arms, and a chaplain.

The house shall elect a speaker, who shall be a member of the house, a chief clerk, ~~a first and a second assistant clerk, an index clerk, and~~ a chief sergeant-at-arms, ~~a first and a second assistant sergeant-at-arms, a postmaster, an assistant postmaster, and a chaplain.~~

Sec. 2. Minnesota Statutes 2000, section 4.06, is amended to read:

4.06 [VACANCY; SUCCESSION; DISABILITY.]

(a) When a vacancy occurs, from any cause whatever, in the office of governor, the lieutenant governor shall become governor and the last duly elected president of the senate shall become lieutenant governor for the remainder of the term. When a vacancy occurs, from any cause whatever, in the office of governor and in the office of lieutenant governor, the president of the senate shall become governor for the remainder of the term. If there be no president of the senate, then the speaker of the house of representatives shall become governor for the remainder of the term; or if there be none, then the secretary of state, or the auditor, ~~or the treasurer,~~ or the attorney general, in that order, shall upon resignation from office, become governor for the remainder of the term.

(b) In case of the death or other failure to take office of the governor-elect, the lieutenant governor-elect shall become governor from the same time and in the same manner and for the same term as provided for the governor-elect. In case of the death or other failure to take office of both the governor-elect and lieutenant governor-elect, the last duly elected president of the senate, or in the case of death or other failure to take office, the last duly elected speaker of the house of representatives, or in the case of death or other failure to take office, the secretary of state-elect, or under the same circumstances the auditor-elect, ~~the treasurer-elect~~ or the attorney general-elect, in that order shall become governor from the same time and in the same manner and for the same term as provided for the governor-elect.

(c) If the governor transmits to the president of the senate and the speaker of the house of representatives a written declaration of an inability to discharge the powers and duties of the office of governor, and until the governor transmits a written declaration to the contrary, the powers and duties of the governor shall be discharged by the lieutenant governor.

(d) The governor may be declared unable to discharge the powers and duties of the office if a declaration is signed by four out of five of the following persons and transmitted to the president of the senate and the speaker of the house of representatives: the chief justice of the supreme court, the lieutenant governor, the governor's chief of staff, the governor's personal physician, and a member of the governor's cabinet designated in advance by the governor. If no cabinet member has been designated, three out of four shall be sufficient. The lieutenant governor shall then discharge the powers and duties of the office of governor.

(e) The declaration remains in effect until the governor transmits to the president of the senate and the speaker of the house of representatives a written declaration that no inability exists, unless four out of five of the persons described in paragraph (d), or three out of four if no cabinet member has been designated, sign and transmit to the president of the senate and the speaker of the house of representatives within four days of the governor's declaration a declaration that the governor is unable to discharge the powers and duties of the office. In that event, the lieutenant governor shall continue to discharge the duties of the office until the legislature decides the issue, assembling within 48 hours for that purpose if not in session. If the legislature, within 21 days after receipt of the declaration that the governor is unable to discharge the powers and duties of the office or, if the legislature is not in session, within 21 days after being required to assemble, determines by two-thirds vote of both houses that the governor is unable to discharge the powers and duties of the office, the lieutenant governor shall continue to discharge the powers and duties of the office. Otherwise, the governor shall resume the powers and duties of the office.

Sec. 3. [7.015] [OFFICE OF STATE TREASURER.]

The office of state treasurer is created, under direction of a state treasurer appointed by the governor, with advice and consent of the senate. The treasurer serves in the unclassified service. Section 15.06, subdivisions 2 to 6, apply to the state treasurer. Personnel, powers, or duties of the office of state treasurer may not be transferred to another agency under authority of section 16B.37 or other law.

Sec. 4. Minnesota Statutes 2000, section 8.05, is amended to read:

8.05 [FORMS PREPARED; OPINIONS.]

The attorney general shall prepare forms for bonds and other contracts and instruments for the use of state officials, boards, and commissions and give legal advice in all matters relating to their official duties, whenever required by the governor, auditor, ~~treasurer~~, or secretary of state, or any board or commission created by law. When required by either house of the legislature the attorney general shall give a written opinion upon any question of law. The attorney general similarly shall give a written opinion upon any question of law submitted by a permanent or interim committee or commission of the legislature or of either house of the legislature, including but not limited to an interim committee of the legislature created by law for a county containing a city of the first class.

Sec. 5. Minnesota Statutes 2000, section 10.01, is amended to read:

10.01 [SPACE FOR CONSTITUTIONAL OFFICES; ADDITIONAL DUTIES.]

The governor, secretary of state, auditor, ~~treasurer~~, and attorney general shall keep their offices in rooms provided for them, respectively, in the area known as the capitol, or as the capitol complex, or as the capitol area; and, in addition to the duties heretofore prescribed, shall severally render such other services and be subject to such further obligations as are required of or imposed upon them by law.

Sec. 6. Minnesota Statutes 2000, section 11A.08, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] There is created an investment advisory council consisting of ~~17~~ 18 members. Ten of these members shall be experienced in general investment matters. They shall be appointed by the state board. One member is the state treasurer. The other seven members shall be: the commissioner of finance; the executive director of the Minnesota state retirement system; the executive director of the public employees retirement association; the executive director of the teachers retirement association; a retiree currently receiving benefits from the postretirement investment fund; and two public employees who are active members of funds whose assets are invested by the state board. The retiree and the public employees shall be appointed by the governor for four-year terms.

Sec. 7. [15.001] [GOVERNOR'S CABINET.]

The cabinet consists of the following secretaries appointed by the governor with the advice and consent of the senate: administration, commerce and trade, education, finance, health and human resources, natural resources, public safety, and transportation. A secretary may not begin to serve in office until the senate has given its advice and consent.

Sec. 8. [15.002] [DUTIES OF SECRETARIES.]

Each secretary shall:

(1) direct the development of goals, objectives, policies, and plans necessary to the effective and efficient operation of state government;

(2) make recommendations to the governor regarding major policy issues, development of authority, and other matters affecting the development and implementation of policy positions and objectives;

(3) hold agency heads accountable for their administrative, fiscal, and program actions in the operation of their agencies;

(4) reserve administrative jurisdictional, operational, program, or policy conflicts between agencies or officials;

(5) coordinate communications with the federal government and the governments of other states, under the direction of the governor, in matters related to agency programs and activities;

(6) receive first reports required by law to be submitted by agencies to the governor, and convey them to the governor;

(7) receive first recommendations required by law to be made by agencies to the governor, and convey them to the governor;

(8) direct the formulation of comprehensive budget recommendations to the governor by agencies reporting to that secretary; and

(9) serve as a liaison with nonstate agencies, interstate compacts, and other nonstate organizations that receive state appropriations or support directly or through a state agency that reports to that secretary.

Sec. 9. [16B.651] [INSPECTION OF OWNER-OCCUPIED RESIDENTIAL BUILDINGS.]

Subdivision 1. [APPLICATION; OWNER RESPONSIBILITY.] This section applies to inspection of owner-occupied residential buildings intended for dwelling by four or fewer families. Notwithstanding any other law to the contrary, inspection of owner-occupied residential buildings covered by this section must be performed by an inspector selected and paid for by the building owner. This section does not apply to fire or other life safety inspections.

Subd. 2. [CERTIFICATION; OWNER CHOICE.] The commissioner may certify inspectors who are qualified to perform inspections under this section, and a municipality may require owners to select only certified inspectors. The commissioner may require a certified inspector to post a bond in an amount determined by the commissioner. A municipality may not restrict an owner's ability to choose among certified inspectors, provided that an inspector may not inspect a property if the inspector or an affiliate of the inspector was involved in design or construction work involving the property. For purposes of this section, an "affiliate" is a person directly or indirectly controlling, controlled by, or under common control with another person.

Subd. 3. [RECORD FILED WITH MUNICIPALITY.] A municipality may require the owner or the inspector to file a record of the inspection with the municipality. Fees charged by a municipality in connection with an inspection under this section may not exceed the cost to the municipality of processing inspection records sent to the municipality by owners and inspectors.

Sec. 10. Minnesota Statutes 2001 Supplement, section 16E.09, subdivision 1, is amended to read:

Subdivision 1. [FUND ESTABLISHED.] A technology enterprise fund is established. Money deposited in the fund is appropriated to the commissioner of administration for the purpose of funding technology projects among government entities that promote cooperation, innovation, and shared use of technology and technology standards, and electronic government services. Savings generated by information technology and communications projects or purchases, including rebates, refunds, discounts, or other savings generated from aggregated purchases of software, services, or technology products, may be deposited in the fund upon agreement by the commissioner of administration and the executive of the government entity generating the funds. The commissioner of administration may apply for and accept grants, contributions, or other gifts from the federal government and other public or private sources for deposit into the fund. The transfer of funds between state agencies is subject to the approval of the commissioner of finance. The commissioner of finance shall notify the chairs of the committees funding the affected state agencies of the transfers. Funds are available until June 30, 2005.

Sec. 11. Minnesota Statutes 2000, section 40A.151, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The Minnesota conservation fund is established as an account in the state treasury. Money from counties under section 40A.152 must be deposited in the state treasury and credited one-half to the Minnesota conservation fund account and one-half to the general fund.

[EFFECTIVE DATE.] This section is effective for money from counties deposited in the state treasury after June 30, 2002.

Sec. 12. Minnesota Statutes 2000, section 40A.152, subdivision 1, is amended to read:

Subdivision 1. [FEE.] A county that is a metropolitan county under section 473.121, subdivision 4, has allowed exclusive agricultural zones to be created under this chapter, or has elected to become an agricultural land preservation pilot county, shall impose an additional fee of \$5 per transaction on the recording or registration of a mortgage subject to the tax under section 287.05 and an additional \$5 on the recording or registration of a deed subject to the tax under section 287.21. One-half of the fee must be deposited in a special conservation account to be created in the county general revenue fund and one-half must be transferred to the commissioner of revenue for deposit in the state treasury ~~and credited to the Minnesota conservation fund pursuant to section 40A.151, subdivision 1.~~

[EFFECTIVE DATE.] This section is effective July 1, 2002, and thereafter.

Sec. 13. Minnesota Statutes 2000, section 40A.152, subdivision 3, is amended to read:

Subd. 3. [TRANSFER TO STATE FUND.] Money in the county conservation account that is not encumbered by the county within one year of deposit in the account must be transferred to the commissioner of revenue for deposit in the ~~Minnesota conservation fund~~ state treasury pursuant to section 40A.151, subdivision 1.

Sec. 14. Minnesota Statutes 2000, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] (a) Notwithstanding any other law to the contrary, terms and conditions of employment for employees listed in this subdivision must be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective. Compensation plans established under paragraph (c) must be reviewed and approved, modified, or rejected by the legislature and the legislative coordinating commission under section 3.855, subdivisions 2 and 3, before becoming effective.

(b) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, lieutenant governor, attorney general, secretary of state, and state auditor, and state treasurer must be determined by the governor, lieutenant governor, attorney general, secretary of state, and state auditor, and state treasurer, respectively.

(c) Total compensation for unclassified positions not covered by a collective bargaining agreement in the higher education services office must be determined by the higher education services office.

Sec. 15. [43A.183] [PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES ORDERED TO ACTIVE SERVICE.]

(a) Each agency head shall pay to each eligible member of the national guard or other reserve component of the armed forces of the United States an amount equal to the difference between the member's basic active duty military salary and the salary the member would be paid as an active state employee, including any adjustments the member would have received if not on leave of absence. This payment may be made only to a person whose basic active duty military salary is less than the salary the person would be paid as an active state employee. Payments must be made at the intervals at which the member received pay as a state employee. Back pay authorized by this section may be paid in a lump sum. Payment under this section must not extend beyond four years from the date the employee was ordered to active service, plus any additional time the employee may be legally required to serve.

(b) An eligible member of the reserve components of the armed forces of the United States is a reservist or national guard member who was an employee of the state of Minnesota at the time the member was ordered to active service on or after September 11, 2001.

(c) For the purposes of this section, an employee of the state is an employee of the executive, judicial, or legislative branch of state government or an employee of the Minnesota state retirement system, the public employee retirement association, or the teachers retirement association.

(d) For purposes of this section, the term "active service" has the meaning given in section 190.05, subdivision 5, but excludes service performed exclusively for purposes of:

- (1) basic combat training, advanced individual training, annual training, and periodic inactive duty training;
- (2) special training periodically made available to reserve members; and
- (3) service performed in accordance with section 190.08, subdivision 3.

(e) The commissioner of employee relations and the commissioner of finance shall adopt procedures required to implement this section. The procedures are exempt from chapter 14.

(f) This section is repealed June 30, 2006.

Sec. 16. Minnesota Statutes 2000, section 168A.40, subdivision 4, as amended by Laws 2002, chapter 220, article 7, section 9, is amended to read:

Subd. 4. [AUTOMOBILE THEFT PREVENTION ACCOUNT.] A special revenue account is created in the state treasury to be credited with the proceeds of the surcharge imposed under subdivision 3. Of the revenue in the account, ~~\$1,300,000~~ \$3,000,000 each year must be transferred to the general fund. Revenues in excess of ~~\$1,300,000~~ \$3,000,000 each year may be used only for the automobile theft prevention program described in section 299A.75.

Sec. 17. Minnesota Statutes 2000, section 179A.06, subdivision 3, is amended to read:

Subd. 3. [FAIR SHARE FEE.] An exclusive representative may require employees, other than employees included in units established in sections 179A.10, 179A.101, and 179A.104, who are not members of the exclusive representative to contribute a fair share fee for services rendered by the exclusive representative. The fair share fee must be equal to the regular membership dues of the exclusive representative, less the cost of benefits financed through the dues and available only to members of the exclusive representative. In no event may the fair share fee exceed 85 percent of the regular membership dues. The exclusive representative shall provide advance written notice of the amount of the fair share fee to the employer and to unit employees who will be assessed the fee. The employer shall provide the exclusive representative with a list of all unit employees.

A challenge by an employee or by a person aggrieved by the fee must be filed in writing with the commissioner, the public employer, and the exclusive representative within 30 days after receipt of the written notice. All challenges must specify those portions of the fee challenged and the reasons for the challenge. The burden of proof relating to the amount of the fair share fee is on the exclusive representative. The commissioner shall hear and decide all issues in these challenges.

The employer shall deduct the fee from the earnings of the employee and transmit the fee to the exclusive representative 30 days after the written notice was provided. If a challenge is filed, the deductions for a fair share fee must be held in escrow by the employer pending a decision by the commissioner.

Sec. 18. Minnesota Statutes 2000, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT; DISHONORED CHECKS; CONSEQUENCES.] Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) for the office of governor, lieutenant governor, attorney general, state auditor, ~~state treasurer~~; secretary of state, representative in Congress, judge of the supreme court, judge of the court of appeals, or judge of the district court, \$300;

(b) for the office of senator in Congress, \$400;

(c) for office of senator or representative in the legislature, \$100;

(d) for a county office, \$50; and

(e) for the office of soil and water conservation district supervisor, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 332.50. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 19. Minnesota Statutes 2000, section 204D.10, subdivision 2, is amended to read:

Subd. 2. [PARTY PRIMARY; TEN PERCENT REQUIREMENT.] If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in sections 204B.07 to 204B.09. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, ~~state treasurer~~, and attorney general.

Sec. 20. Minnesota Statutes 2000, section 209.01, subdivision 2, is amended to read:

Subd. 2. [STATEWIDE OFFICE.] For purposes of this chapter "statewide office" means the office of governor, lieutenant governor, attorney general, state auditor, ~~state treasurer~~, secretary of state, chief justice or associate justice of the supreme court, judge of the court of appeals, United States senator, or presidential elector.

Sec. 21. Minnesota Statutes 2000, section 240A.08, is amended to read:

240A.08 [APPROPRIATION.]

(a) ~~\$750,000~~ \$250,000 is appropriated annually from the general fund to the Minnesota amateur sports commission for the purpose of entering into long-term leases, use, or other agreements with the metropolitan sports facilities commission for the conduct of amateur sports activities at the basketball and hockey arena, consistent with the purposes set forth in this chapter, including (1) stimulating and promoting amateur sports, (2) promoting physical fitness by promoting participation in sports, (3) promoting the development of recreational amateur sport opportunities and activities, and (4) promoting local, regional, national, and international amateur sport competitions and events. The amateur sports commission shall determine what constitutes amateur sports activities as provided in this chapter as of March 1, 1995. The metropolitan sports facilities commission may allocate at least 25 but no more than 50 dates a year for the conduct of amateur sports activities at the basketball and hockey arena by the amateur sports commission. At least 12 of the dates must be on a Friday, Saturday, or Sunday. The amateur sports commission may sell a date at the arena to another group for any purpose. Revenue from sale of these dates is appropriated to the amateur sports commission for purposes listed in section 240A.04. If any amateur sports activities conducted by the amateur sports commission at the basketball and hockey arena are restricted to participants of one gender, an equal number of activities on comparable days of the week must be conducted for participants of the other gender, but not necessarily in the same year. The legislature reserves the right to repeal or amend this appropriation, and does not intend this appropriation to create public debt.

(b) The amateur sports commission shall not transmit to the operator of the basketball and hockey arena payment of any event-related costs or expenses, including, but not limited to, personnel, labor, services, equipment, utilities, or supplies attributable to the events unless and until the operator has demonstrated, to the satisfaction of the amateur sports commission, the basis for each specific cost or expense and the means by which the costs and expenses were determined.

(c) The amateur sports commission may use any ticket system as may be in place from time to time at the basketball and hockey arena, provided that any royalty or rebate fees or charges or surcharges on tickets received by the operator of the arena from third parties must be credited against event-related costs or expenses.

(d) In the establishment of event-related costs to be imposed upon the amateur sports commission, the operator of the basketball and hockey arena shall provide the amateur sports commission with the maximum discount that the operator has supplied to any other sponsor of a similar amateur sports event in the arena within the 180-day period immediately preceding the date of the amateur sports commission event.

(e) The amateur sports commission must report by August 1 each year to the chairs of the house and senate state government finance divisions on compliance with this section and on the total value of dates and ancillary services, and revenue derived from resale of dates, during the previous state fiscal year.

(f) The attorney general, on behalf of the amateur sports commission, must pursue collection of monetary damages from the operator of the arena if the operator fails to comply with the requirements of this section.

(g) The books, records, documents, accounting procedures, and practices of the metropolitan sports facilities commission, the Minneapolis community development agency, and any corporation with which the Minnesota amateur sports commission may contract for use of the basketball and hockey arena are available for review by the Minnesota amateur sports commission, the legislative auditor, and the chairs of the state government finance divisions of the senate and the house of representatives, subject to chapter 13 and section 473.598, subdivision 4.

Sec. 22. Minnesota Statutes 2000, section 471.975, is amended to read:

471.975 [PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES ON ACTIVE DUTY ORDERED TO ACTIVE SERVICE.]

(a) A statutory or home rule charter city, county, town, school district, or other political subdivision may pay to each eligible member of the national guard or other reserve components component of the armed forces of the United States an amount equal to the difference between the member's basic active duty military salary and the salary the member would be paid as an active political subdivision employee, including any adjustments the member would have received if not on leave of absence. This payment may be made only to a person whose basic active duty military salary is less than the salary the person would be paid as an active political subdivision employee. Payments must be made at the intervals at which the member received pay as a political subdivision employee. Back pay authorized by this section may be paid in a lump sum. ~~Such pay shall~~ Payment under this section must not extend beyond four years from the date the employee was called ordered to active military-duty service, plus such any additional time in each case as such the employee may be legally required to serve pursuant to law.

(b) An eligible member of the reserve components of the armed forces of the United States is a reservist or national guard member who was an employee of a political subdivision at the time the member was called ordered to active duty and who was or is called to active duty service on or after August 1, 1990, because of Operation Desert Shield, Operation Desert Storm, or any other action taken by the armed forces relating to hostilities between the United States and the Republic of Iraq September 11, 2001.

(c) For purposes of this section, the term "active service" has the meaning given in section 190.05, subdivision 5, but excludes service performed exclusively for purposes of:

- (1) basic combat training, advanced individual training, annual training, and periodic inactive duty training;
- (2) special training periodically made available to reserve members; and
- (3) service performed in accordance with section 190.08, subdivision 3.

Sec. 23. Laws 2001, First Special Session chapter 10, article 1, section 2, subdivision 4, is amended to read:

Subd. 4. Legislative Coordinating Commission	10,215,000	10,068,000
Summary by Fund		
General	10,065,000	9,918,000
Health Care Access	150,000	150,000

~~Effective January 6, 2003, the salaries of other constitutional officers are set at the following percentages of the salary of the governor:~~

~~attorney general - 95 percent;~~

~~state auditor - 85 percent;~~

~~secretary of state - 75 percent;~~

~~lieutenant governor - 65 percent.~~

The compensation council recommendation of 2001 for legislators and constitutional officers may not take effect.

\$6,420,000 the first year and \$6,535,000 the second year are for the office of the revisor of statutes.

\$1,242,000 the first year and \$1,273,000 the second year are for the legislative reference library.

\$5,505,000 the first year and \$5,469,000 the second year are for the office of the legislative auditor and legislative audit commission.

The legislative work group on television coverage consists of two members of the senate appointed by the subcommittee on committees of the committee on rules and administration, two members of the house of representatives appointed by the speaker, and two members representing the Minnesota public television association appointed by the association. In an effort to take full advantage of the new digital technology and interconnection system to be constructed by public television, the work group must examine the best management structure and distribution format to provide gavel-to-gavel coverage of house and senate sessions and other legislative hearings of public importance. The group must make specific recommendations regarding the consolidation of television services now being provided by the house and senate, including the advisability and practicality of having that coverage provided by public television. The group must provide an interim report to the legislature by February 1, 2002, and submit a final report, including budget recommendations, by January 10, 2003.

The legislative coordinating commission, or a joint subcommittee appointed by the commission for that purpose, must investigate ways in which the public information offices of the senate and the house of representatives might reduce costs and increase public awareness by consolidating some or all of their services, including, at a minimum, the publication of a single schedule for house and senate committee meetings. The commission must report its findings and recommendations to the legislature by February 1, 2002.

During the interim between the 2001 and 2002 legislative sessions, legislative appointing authorities may work with the department of employee relations to place legislative staff on temporary assignments in state agencies. The legislature is responsible for salary and benefits of employees who choose these temporary assignments. Work assignments and hours must be negotiated by legislative appointing authorities and the state agencies getting interim use of legislative staff. Refusal of a commissioner to find a suitable work assignment for interested and qualified legislative staff must be reported to the budget committee chairs of the house and senate that have jurisdiction over that agency's budget.

Sec. 24. Laws 2002, chapter 220, article 10, section 2, is amended to read:

Sec. 2. LEGISLATURE

Subdivision 1. Total Appropriation	-0-	(2,245,000) <u>(6,894,000)</u>
------------------------------------	-----	--

Subd. 2. Senate

-0-	(688,000) <u>(2,323,000)</u>
-----	--

Subd. 3. House of Representatives

-0-	(910,000) <u>(3,032,000)</u>
-----	--

Subd. 4. Legislative Coordinating Commission

-0-	(647,000) <u>(1,539,000)</u>
-----	--

~~\$164,000~~ \$547,000 is a reduction for the office of the legislative auditor.

Sec. 25. Laws 2002, chapter 220, article 10, section 3, is amended to read:

Sec. 3. SECRETARY OF STATE	-0-	(199,000) <u>(374,000)</u>
----------------------------	-----	--

Budget reductions shall not come from revenue producing programs or elections.

Sec. 26. Laws 2002, chapter 220, article 10, section 7, is amended to read:

Sec. 7. ATTORNEY GENERAL	-0-	(900,000) <u>(1,370,000)</u>
--------------------------	-----	--

The attorney general, in consultation with the affected agencies, shall prepare a plan for ending partnership agreements with agencies and shall submit the plan to the legislature by November 15, 2002.

Sec. 27. Laws 2002, chapter 220, article 10, section 10, subdivision 3, is amended to read:

Subd. 3. Office of Technology

-0-	(774,000)
	<u>(974,000)</u>

The base funding for the 2004-2005 biennium is \$4,622,000 in 2004 and \$2,442,000 in 2005.

Sec. 28. Laws 2002, chapter 220, article 10, section 15, is amended to read:

Sec. 15. MINNESOTA HUMANITIES COMMISSION	-0-	(41,000)
		<u>(250,000)</u>

Sec. 29. Laws 2002, chapter 220, article 10, section 16, is amended to read:

Sec. 16. BOARD OF THE ARTS

Subdivision 1. Total Appropriation	-0-	(526,000)
		<u>(915,000)</u>

Subd. 2. Operations and Services

-0-	(43,000)
	<u>(105,000)</u>

Subd. 3. Grants Programs

-0-	(342,000)
	<u>(457,000)</u>

Subd. 4. Regional Arts Councils

-0-	(141,000)
	<u>(353,000)</u>

The attorney general, in consultation with the affected agencies, shall prepare a plan for ending partnership agreements with agencies and shall submit the plan to the legislature by November 15, 2002.

Budget reductions shall not come from revenue producing programs or elections.

Sec. 30. Laws 2002, chapter 220, article 10, section 36, is amended to read:

Sec. 36. [REDUCTION IN CONTRACT EXPENDITURES.]

During the biennium ending June 30, 2003, the governor must reduce planned executive branch state agency general fund expenditures on contracts for professional or technical services by at least \$35,000,000. The governor must allocate this reduction among executive branch state agencies. (a) The legislature anticipates that application of this section and section 37 to executive branch state agencies and to the Minnesota state colleges and universities will result in savings to the general fund of \$45,000,000 by June 30, 2003. If the governor determines

that application of this section and section 37 will not result in \$45,000,000 in savings to the general fund by June 30, 2003, the governor must make proportional reductions in executive branch state agency operating budgets necessary to achieve those savings. For purposes of this section and section 37, "professional or technical services" has the meaning given in Minnesota Statutes, section 16C.08, subdivision 1; and "executive branch state agency" has the meaning given in Minnesota Statutes, section 16A.011, subdivision 12a, and includes the Minnesota state colleges and universities. ~~The base for these reductions is the amount allocated for professional or technical service contracts in agency spending plans as of January 1, 2002.~~

(b) Notwithstanding any law to the contrary, savings in funds other than the general fund resulting from implementation of this section and section 37 may be transferred to the general fund.

Sec. 31. Laws 2002, chapter 220, article 10, section 37, is amended to read:

Sec. 37. [MORATORIUM ON CONSULTANT CONTRACTS.]

(a) An entity in the executive branch of state government, including the Minnesota state colleges and universities, may not enter into a new contract or renew an existing contract for professional or technical services after the effective date of this section and before July 1, 2003. This section does not apply to a contract:

(1) that relates to a threat to public health, welfare, or safety that threatens the functioning of government, the protection of property, or the health or safety of people; ~~or~~

(2) that is necessary to avoid a disruption of essential state functions or that is necessary to avoid a legal liability;
or

(3) that is paid for entirely with federal funds received before the effective date of this section or the cost of which is entirely recovered from nonstate entities.

(b) An entity in the executive branch may apply for a waiver of the moratorium by sending a letter with reasons for the request ~~to the commissioner of administration for executive branch entities.~~ Upon a finding that a consultant contract is necessary, the ~~commissioner~~ governor may grant a waiver. ~~The decision of the commissioner is final and not subject to appeal.~~ A monthly report of all waivers granted must be filed ~~by the entity granting the waiver.~~ The report must be published on ~~the entity's a state~~ Web site, and copies must be provided to the chairs of the house ways and means and senate finance committees and to the legislative reference library.

Sec. 32. Laws 2002, chapter 220, article 10, section 38, is amended to read:

Sec. 38. [HIRING FREEZE.]

Subdivision 1. [APPLICATION OF FREEZE.] A state employer may not hire any permanent or temporary employees before July 1, 2003. For purposes of this section, "state employer" means state elected officials, departments, boards, agencies, commissions, offices, and other hiring entities in the executive and legislative branches of state government, as those branches are defined in Minnesota Statutes, section 43A.02.

"State employer" does not include the Minnesota state colleges and universities.

Subd. 2. [EXCEPTIONS.] Subdivision 1 does not apply to:

(1) a student ~~in a work-study position~~ worker; or

(2) a position that is paid for entirely with federal funds, or the cost of which is entirely recovered from nonstate entities; or

(3) a position that is necessary to perform essential government services.

A determination under clause (2) must be made by the speaker of the house of representatives with respect to house employees, the chair of the committee on rules and administration with respect to senate employees, and the legislative coordinating commission with respect to its employees, by a constitutional officer with respect to employees of the constitutional office, and by the governor with respect to any other employee covered by this section. Exceptions granted under clause (2) must be reported monthly by the entity granting the exception. The reports must be published on the ~~entity's~~ Web site for each respective entity, and copies must be provided to the chairs of the house ways and means and senate finance committees and to the legislative reference library.

Subd. 3. [ANTICIPATED SAVINGS.] The legislature anticipates that application of this section to executive branch agencies and to the Minnesota state colleges and universities will result in savings to the general fund of ~~\$40,000,000~~ \$50,000,000 by June 30, 2003. If the governor determines that application of this section will not result in ~~\$40,000,000~~ \$50,000,000 in savings to the general fund by June 30, 2003, the governor must make proportional reductions in executive agency operating budgets necessary to achieve these savings.

Subd. 4. [TRANSFERS TO THE GENERAL FUND.] Notwithstanding any law to the contrary, savings in funds other than the general fund resulting from implementation of this section may be transferred to the general fund.

Sec. 33. LEGISLATURE

Subdivision 1. Senate Carryforward

-0- (1,035,000)

The amount above of onetime appropriations available to the senate pursuant to Minnesota Statutes, section 16A.281, is canceled to the general fund effective July 1, 2002.

Subd. 2. House of Representatives Carryforward

-0- (2,890,000)

The amount above of onetime appropriations available to the house of representatives pursuant to Minnesota Statutes, section 16A.281, is canceled to the general fund effective July 1, 2002.

Subd. 3. Legislative Coordinating Commission Carryforward

-0- (2,298,000)

The amount above of onetime appropriations available to the legislative coordinating commission and associated legislative committees and offices pursuant to Minnesota Statutes, section 16A.281, is canceled to the general fund effective July 1, 2002.

Sec. 34. ADMINISTRATION

\$2,000,000 of the balance in the State Building Code account in the state government special revenue fund as of July 1, 2002, is canceled to the general fund.

Sec. 35. [ASSIGNMENT OF AGENCIES.]

Subdivision 1. [SECRETARY OF ADMINISTRATION.] The following agencies report to the secretary of administration: department of administration, office of administrative hearings, department of employee relations, capitol area architectural and planning board, designer selection board, and Minnesota planning.

Subd. 2. [SECRETARY OF COMMERCE AND TRADE.] The following agencies report to the secretary of commerce and trade: department of agriculture, rural finance agency, department of trade and economic development, department of commerce, department of labor and industry, Minnesota Technology, Inc., public utilities commission, department of economic security, animal health board, state agricultural society, state horticultural society, Minnesota film board, iron range resources and rehabilitation board, and all non-health-related licensing boards not otherwise assigned by this section.

Subd. 3. [SECRETARY OF EDUCATION.] The following agencies report to the secretary of education: state arts board; center for arts education; department of children, families, and learning; Minnesota state colleges and universities; higher education facilities authority; higher education services office; state historical society; humanities commission; Minnesota academy of science; and Minnesota zoological garden.

Subd. 4. [SECRETARY OF FINANCE.] The following agencies report to the secretary of finance: campaign finance and public disclosure board, department of finance, department of revenue, housing finance agency, Minnesota state retirement system, public employees retirement association, and teachers retirement association.

Subd. 5. [SECRETARY OF HEALTH AND HUMAN RESOURCES.] The following agencies report to the secretary of health and human resources: board on aging, council on Asian-Pacific Minnesotans, council on Black Minnesotans, Indian affairs council, council on affairs of Chicano/Latino people, Minnesota amateur sports commission, state council on disability, health care commission, department of health, department of human services, department of human rights, ombudsman for mental health and mental retardation, department of veterans affairs, veterans homes board, and all health-related licensing boards not otherwise assigned by this section.

Subd. 6. [SECRETARY OF NATURAL RESOURCES.] The following agencies report to the secretary of natural resources: office of state archaeologist, Minnesota-Wisconsin boundary area commission, office of environmental assistance, environmental quality board, pollution control agency, board of water and soil resources, and the department of natural resources.

Subd. 7. [SECRETARY OF PUBLIC SAFETY.] The following agencies report to the secretary of public safety: department of public safety, department of military affairs, department of corrections, ombudsman for corrections, lawful gambling board, Minnesota lottery, racing commission, sentencing guidelines commission, peace officer standards and training board, and private detective and protective agent board.

Subd. 8. [SECRETARY OF TRANSPORTATION.] The following agencies report to the secretary of transportation: department of transportation, metropolitan airports commission, and metropolitan council.

Sec. 36. [IMPLEMENTATION.]

(a) Within 30 days of the effective date of this section, a task force shall convene to plan the implementation of sections 7, 8, and 35. The governor shall appoint at least four, but no more than six, heads of state agencies to serve on the task force. The speaker of the house of representatives shall appoint one member of the majority caucus and the minority leader shall appoint a member of the minority caucus. The senate majority leader shall appoint a member of the majority caucus and the minority leader shall appoint a member of the minority caucus. If there is more than one minority caucus in either body, only the larger or largest minority caucus shall appoint a member to the task force.

(b) In planning the implementation of sections 7, 8, and 35, the task force shall address at least the following issues:

(1) any reorganization of state agencies or reassignment of agency functions that might be necessary or desirable; and

(2) any changes in the appointment, confirmation, and titles of agency heads that might be necessary or desirable.

(c) The task force shall report to the governor and the legislature by January 15, 2003. Its report must include a report on the progress of any reorganization that has been identified as necessary or desirable and shall recommend any legislation that might be necessary for further reorganization and for implementation of sections 7, 8, and 35. Also, by January 15, 2004, the governor's office must submit to the legislature drafts of any executive orders the governor plans to issue to implement any reorganization that has been identified as necessary or desirable.

(d) As a result of efficiencies achieved through the realignment of agency authority and accountability in sections 7, 8, and 35, the governor shall reduce managerial, supervisory, and other positions in executive branch agencies. In accomplishing these reductions, the governor shall eliminate certain commissioner and deputy commissioner positions and shall consolidate support services, such as management information systems, public information, government relations, research, human resources, procurement, and training and development. The legislature anticipates general fund savings of \$2,000,000 in fiscal year 2003 as a result of these reductions. These general fund savings cancel to the general fund.

(e) The governor must not appoint secretaries until January 6, 2003. Notwithstanding Minnesota Statutes, section 15.001, the first secretaries appointed on or after January 6, 2003, may serve in office until the senate refuses to consent to their appointment.

Sec. 37. [TRANSFER.]

All statutory powers, responsibilities, and duties of the constitutional office of state treasurer are transferred to the statutory office of state treasurer, under Minnesota Statutes, section 15.039, except as otherwise provided in Laws 1998, chapter 387, and except that Minnesota Statutes, section 15.039, subdivision 7, does not apply to the elected state treasurer.

Sec. 38. [EFFECTIVE DATE; APPLICATION.]

(a) Section 1 is effective the day following final enactment. Persons affected by section 1 are no longer elected officers on the effective date of section 1, but continue as employees of the house of representatives, subject to Minnesota Statutes, section 3.07.

(b) The provisions of sections 7, 8, 35, and 36 creating a task force, and requiring reduction of positions, are effective the day following final enactment. The remaining provisions of sections 7, 8, 35, and 36 are effective January 6, 2003.

(c) Sections 15 and 22 are effective the day following final enactment and apply retroactively to the date an employee was ordered to active service on or after September 11, 2001.

(d) Sections 16, 21, and 23 to 34 are effective the day following final enactment.

(e) Sections 2, 3, 4, 5, 14, 18, 19, and 20 are effective January 6, 2003."

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1226, 2559, 2692, 2932 and 3238 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Seifert, Pelowski, Leppik, Knoblach, Cassell, Fuller, Dehler, Opatz, Dorn, Marquart, Goodno, Tuma and Carlson introduced:

H. F. No. 3690, A bill for an act relating to higher education; exempting certain student contracts from the contract moratorium; amending Laws 2002, chapter 220, article 10, section 37.

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

Seifert, Kielkucki, Carlson, Pelowski, Mares, Thompson and Erickson introduced:

H. F. No. 3691, A resolution stating findings of the Legislature; voiding all previous applications by the Legislature of the State of Minnesota to the Congress of the United States of America to call a convention pursuant to Article V of the United States Constitution for proposing one or more amendments to that Constitution and urging the legislatures of other states to do the same.

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

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, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2742, A bill for an act relating to state government; regulating contested case procedures; amending Minnesota Statutes 2000, sections 14.57; 14.59; 14.61; 14.62, subdivision 1, by adding a subdivision; 14.63; repealing Minnesota Statutes 2000, section 14.62, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Seifert moved that the House concur in the Senate amendments to H. F. No. 2742 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2742, A bill for an act relating to state government; regulating contested case procedures; amending Minnesota Statutes 2000, sections 14.57; 14.59; 14.61; 14.62, subdivision 1, by adding a subdivision; 14.63; repealing Minnesota Statutes 2000, section 14.62, subdivision 2.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Harder	Kubly	Osskopp	Stanek
Abrams	Dempsey	Hilstrom	Kuisle	Otremba	Stang
Anderson, B.	Dibble	Hilty	Larson	Ozment	Swapinski
Anderson, I.	Dorman	Holberg	Leighton	Paulsen	Swenson
Bakk	Dorn	Howes	Lenczewski	Pawlenty	Sykora
Bernardy	Eastlund	Huntley	Leppik	Pelowski	Thompson
Biernat	Entenza	Jacobson	Lieder	Penas	Tuma
Bishop	Erhardt	Jaros	Lindner	Peterson	Vandever
Blaine	Erickson	Jennings	Lipman	Pugh	Wagenius
Boudreau	Finseth	Johnson, J.	Mahoney	Rhodes	Walker
Bradley	Folliard	Johnson, R.	Mares	Rifenberg	Walz
Buesgens	Fuller	Johnson, S.	Marquart	Rukavina	Wasiluk
Carlson	Gerlach	Jordan	McElroy	Ruth	Westerberg
Cassell	Gleason	Juhnke	Milbert	Schumacher	Westrom
Clark, J.	Goodno	Kahn	Molnau	Seifert	Wilkin
Clark, K.	Goodwin	Kalis	Mullery	Sertich	Winter
Daggett	Greiling	Kelliher	Murphy	Skoe	Workman
Davids	Gunther	Kielkucki	Ness	Skoglund	Spk. Sviggum
Davnie	Haas	Knoblach	Nornes	Slawik	
Dawkins	Hackbarth	Koskinen	Opatz	Solberg	

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. 2813, A bill for an act relating to human services; requiring child care providers to develop policies for reporting suspected child maltreatment; requiring child care licenses to contain certain information; proposing coding for new law in Minnesota Statutes, chapter 245A.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Molnau moved that the House concur in the Senate amendments to H. F. No. 2813 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2813, A bill for an act relating to human services; requiring child care providers to develop policies for reporting suspected child maltreatment; requiring child care licenses to contain certain information; proposing coding for new law in Minnesota Statutes, chapter 245A.

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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Harder	Koskinen	Opatz	Solberg
Abrams	Dempsey	Hilstrom	Kubly	Osskopp	Stanek
Anderson, B.	Dibble	Hilty	Kuisle	Otremba	Stang
Anderson, I.	Dorman	Holberg	Larson	Ozment	Swapinski
Bakk	Dorn	Holsten	Leighton	Paulsen	Swenson
Bernardy	Eastlund	Howes	Lenczewski	Pawlenty	Sykora
Biernat	Entenza	Huntley	Leppik	Pelowski	Thompson
Bishop	Erhardt	Jacobson	Lieder	Penas	Tuma
Blaine	Erickson	Jaros	Lindner	Peterson	Vandever
Boudreau	Finseth	Jennings	Lipman	Pugh	Wagenius
Bradley	Folliard	Johnson, J.	Mahoney	Rhodes	Walker
Buesgens	Fuller	Johnson, R.	Mares	Rifenberg	Walz
Carlson	Gerlach	Johnson, S.	Marquart	Rukavina	Wasiluk
Cassell	Gleason	Jordan	McElroy	Ruth	Westerberg
Clark, J.	Goodno	Juhnke	Milbert	Schumacher	Westrom
Clark, K.	Goodwin	Kahn	Molnau	Seifert	Wilkin
Daggett	Greiling	Kalis	Mullery	Sertich	Winter
Davids	Gunther	Kelliher	Murphy	Skoe	Wolf
Davnie	Haas	Kielkucki	Ness	Skoglund	Workman
Dawkins	Hackbarth	Knoblach	Nornes	Slawik	Spk. Sviggum

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

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

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

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 197.

H. F. No. 197 was reported to the House.

CALL OF THE HOUSE

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

Abeler	Dempsey	Howes	Lenczewski	Otremba	Solberg
Abrams	Dibble	Huntley	Leppik	Ozment	Stanek
Anderson, B.	Dorman	Jacobson	Lieder	Paulsen	Stang
Anderson, I.	Dorn	Jaros	Lindner	Pawlenty	Swapinski
Bakk	Eastlund	Jennings	Lipman	Paymar	Swenson
Bernardy	Entenza	Johnson, J.	Mahoney	Pelowski	Sykora
Biernat	Erickson	Johnson, R.	Mariani	Penas	Thompson
Bishop	Finseth	Johnson, S.	Marko	Peterson	Tingelstad
Blaine	Folliard	Jordan	Marquart	Pugh	Tuma
Boudreau	Fuller	Juhnke	McElroy	Rhodes	Vandever
Bradley	Gerlach	Kahn	Milbert	Rifenberg	Wagenius
Buesgens	Goodno	Kalis	Molnau	Rukavina	Walker
Carlson	Goodwin	Kelliher	Mulder	Ruth	Walz
Cassell	Gray	Kielkucki	Mullery	Schumacher	Wasiluk
Clark, J.	Gunther	Knoblach	Murphy	Seagren	Westerberg
Clark, K.	Haas	Koskinen	Ness	Seifert	Westrom
Daggett	Hackbarth	Krinkie	Nornes	Sertich	Wilkin
Davids	Harder	Kubly	Olson	Skoe	Winter
Davnie	Hilty	Kuisle	Opatz	Skoglund	Wolf
Dawkins	Holberg	Larson	Osskopp	Slawik	Workman
Dehler	Holsten	Leighton	Osthoff	Smith	

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

H. F. No. 197, A bill for an act relating to appropriations; reducing an earlier general fund appropriation; authorizing the sale of state bonds; appropriating money for grants to noncommercial television stations and to design and construct bus garages; amending Laws 2000, chapter 479, article 1, section 3, subdivision 2.

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.

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

There were 114 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeler	Bradley	Dehler	Folliard	Hilty	Juhnke
Abrams	Carlson	Dempsey	Fuller	Holberg	Kahn
Anderson, I.	Cassell	Dibble	Goodno	Holsten	Kalis
Bakk	Clark, J.	Dorman	Goodwin	Huntley	Kelliher
Bernardy	Clark, K.	Dorn	Gray	Jaros	Knoblach
Biernat	Daggett	Entenza	Greiling	Jennings	Koskinen
Bishop	Davids	Erhardt	Gunther	Johnson, R.	Kubly
Blaine	Davnie	Evans	Haas	Johnson, S.	Kuisle
Boudreau	Dawkins	Finseth	Harder	Jordan	Larson

Leighton	McElroy	Osskopp	Pugh	Skoglund	Tingelstad
Lenczewski	McGuire	Osthoff	Rhodes	Slawik	Tuma
Leppik	Milbert	Otremba	Rifenberg	Smith	Wagenius
Lieder	Molnau	Ozment	Rukavina	Solberg	Walker
Lipman	Mulder	Paulsen	Ruth	Stanek	Walz
Mahoney	Mullery	Pawlenty	Schumacher	Stang	Westerberg
Mares	Murphy	Paymar	Seagren	Swapinski	Westrom
Mariani	Ness	Pelowski	Seifert	Swenson	Winter
Marko	Nornes	Penas	Sertich	Sykora	Wolf
Marquart	Opatz	Peterson	Skoe	Thompson	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.	Erickson	Johnson, J.	Lindner	Wilkin
Buesgens	Gerlach	Kielkucki	Olson	Workman
Eastlund	Jacobson	Krinkie	Vandevveer	

The bill was passed and its title agreed to.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 3011.

H. F. No. 3011 was reported to the House.

Bakk; Solberg; Anderson, I.; Murphy; Rukavina; Swapinski; Jaros; Sertich and Huntley moved to amend H. F. No. 3011, the third engrossment, as follows:

Page 3, line 9, delete "MINNESOTA MINERALS 21ST CENTURY FUND" and insert "SPECIAL COMPENSATION FUND"

Page 3, lines 11 to 13, delete "Minnesota minerals 21st century fund established in Minnesota Statutes, section 116J.423" and insert "excess surplus account of the special compensation fund created under Minnesota Statutes, section 176.129"

Page 3, lines 15 and 16, delete "Minnesota minerals 21st century fund established in Minnesota Statutes, section 116J.423" and insert "excess surplus account of the special compensation fund created under Minnesota Statutes, section 176.129"

Page 3, lines 18 and 19, delete "income from the principal up to"

Page 3, lines 19 to 21, delete "Minnesota minerals 21st century fund established in Minnesota Statutes, section 116J.423" and insert "excess surplus account of the special compensation fund created under Minnesota Statutes, section 176.129"

Re-number the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Bakk et al amendment and the roll was called. There were 63 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Folliard	Johnson, R.	Lieder	Otremba	Solberg
Bakk	Fuller	Johnson, S.	Mahoney	Paymar	Swapinski
Bernardy	Gleason	Juhnke	Mariani	Pelowski	Thompson
Biernat	Goodwin	Kahn	Marko	Peterson	Wagenius
Carlson	Gray	Kalis	Marquart	Pugh	Walker
Clark, K.	Greiling	Kelliher	McGuire	Rukavina	Walz
Davnie	Hilty	Koskinen	Milbert	Schumacher	Wasiluk
Dibble	Howes	Kubly	Mullery	Sertich	Winter
Dorn	Huntley	Larson	Murphy	Skoe	
Entenza	Jaros	Leighton	Opatz	Skoglund	
Evans	Jennings	Lenczewski	Osthoff	Slawik	

Those who voted in the negative were:

Abeler	Dehler	Harder	Lipman	Penas	Tuma
Abrams	Dempsey	Holberg	Mares	Rhodes	Vandever
Anderson, B.	Dorman	Holsten	McElroy	Rifenberg	Westerberg
Bishop	Eastlund	Jacobson	Molnau	Ruth	Westrom
Blaine	Erhardt	Johnson, J.	Mulder	Seagren	Wilkin
Boudreau	Erickson	Jordan	Ness	Seifert	Wolf
Bradley	Finseth	Kielkucki	Nornes	Smith	Workman
Buesgens	Gerlach	Knoblach	Olson	Stanak	Spk. Sviggum
Cassell	Goodno	Krinkie	Osskopp	Stang	
Clark, J.	Gunther	Kuistle	Ozment	Swenson	
Daggett	Haas	Leppik	Paulsen	Sykora	
Davids	Hackbarth	Lindner	Pawlenty	Tingelstad	

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

H. F. No. 3011, A bill for an act relating to economic development; reducing appropriations to certain agencies and programs; transferring funds from the Minnesota minerals 21st century fund; extending an appropriation; amending Laws 2001, First Special Session chapter 4, article 1, section 4, subdivision 3.

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 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Cassell	Dempsey	Gerlach	Holsten	Kuistle
Abrams	Clark, J.	Dorman	Goodno	Jacobson	Leppik
Anderson, B.	Clark, K.	Eastlund	Gunther	Johnson, J.	Lindner
Bishop	Daggett	Erhardt	Haas	Jordan	Lipman
Boudreau	Davids	Erickson	Hackbarth	Kielkucki	Mahoney
Bradley	Dawkins	Finseth	Harder	Knoblach	Mares
Buesgens	Dehler	Fuller	Holberg	Krinkie	McElroy

Molnau	Osthoff	Rhodes	Stanek	Vandever	Spk. Sviggum
Mulder	Ozment	Rifenberg	Stang	Westerberg	
Ness	Paulsen	Ruth	Swenson	Westrom	
Nornes	Pawlenty	Seagren	Sykora	Wilkin	
Olson	Penas	Seifert	Tingelstad	Wolf	
Osskopp	Peterson	Smith	Tuma	Workman	

Those who voted in the negative were:

Anderson, I.	Evans	Jennings	Leighton	Opatz	Slawik
Bakk	Folliard	Johnson, R.	Lenczewski	Otremba	Solberg
Bernardy	Gleason	Johnson, S.	Lieder	Paymar	Swapinski
Biernat	Goodwin	Juhnke	Mariani	Pelowski	Thompson
Blaine	Gray	Kahn	Marko	Pugh	Wagenius
Carlson	Greiling	Kalis	Marquart	Rukavina	Walker
Davnie	Hilty	Kelliher	McGuire	Schumacher	Walz
Dibble	Howes	Koskinen	Milbert	Sertich	Wasiluk
Dorn	Huntley	Kubly	Mullery	Skoe	Winter
Entenza	Jaros	Larson	Murphy	Skoglund	

The bill was passed and its title agreed to.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 766.

H. F. No. 766 was reported to the House.

Holsten and Jennings moved to amend H. F. No. 766, the second engrossment, as follows:

Page 4, after line 8, insert:

"Sec. 9. [DIRECTOR OF THE OFFICE OF ENVIRONMENTAL ASSISTANCE; APPOINTING AUTHORITY.]

The governor is encouraged to evaluate the advantages and disadvantages associated with making the governor the appointing authority for the director of environmental assistance, instead of the commissioner of the pollution control agency as required by Minnesota Statutes, section 115A.055, subdivision 1. If the governor finds that it is more appropriate to specify the governor as the appointing authority, the governor may make that recommendation, either in a letter presented to the chairs of the house and senate environment policy and finance committees, or in the governor's budget recommendations."

Re-number the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Boudreau to the Chair.

H. F. No. 766, A bill for an act relating to solid waste; transferring authority for the household hazardous waste program; providing funding for SCORE block grants; requesting evaluation of a certain appointing authority; amending Minnesota Statutes 2000, sections 115A.552, subdivision 3; 115A.96, subdivisions 2, 3, 4, 5; Minnesota Statutes 2001 Supplement, section 115A.557, 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 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Harder	Lindner	Paulsen	Sykora
Anderson, B.	Dorman	Holberg	Lipman	Pawlenty	Tingelstad
Bishop	Eastlund	Holsten	Mares	Penas	Tuma
Blaine	Erhardt	Howes	McElroy	Rhodes	Vandever
Boudreau	Erickson	Jennings	Molnau	Rifenberg	Walz
Bradley	Finseth	Johnson, J.	Mulder	Ruth	Westrom
Buesgens	Fuller	Jordan	Ness	Seagren	Wilkin
Cassell	Gerlach	Kielkucki	Nornes	Seifert	Wolf
Clark, J.	Goodno	Knoblach	Olson	Smith	Workman
Daggett	Gunther	Krinkie	Osskopp	Stanek	Spk. Sviggum
Davids	Haas	Kuisle	Osthoff	Stang	
Dehler	Hackbarth	Leppik	Ozment	Swenson	

Those who voted in the negative were:

Abeler	Entenza	Johnson, R.	Lieder	Paymar	Swapinski
Anderson, I.	Evans	Johnson, S.	Mahoney	Pelowski	Thompson
Bakk	Folliard	Juhnke	Mariani	Peterson	Wagenius
Bernardy	Gleason	Kahn	Marko	Pugh	Walker
Biernat	Goodwin	Kalis	Marquart	Rukavina	Wasiluk
Carlson	Gray	Kelliher	McGuire	Schumacher	Westerberg
Clark, K.	Greiling	Koskinen	Milbert	Sertich	Winter
Davnie	Hilty	Kubly	Mullery	Skoe	
Dawkins	Huntley	Larson	Murphy	Skoglund	
Dibble	Jacobson	Leighton	Opatz	Slawik	
Dorn	Jaros	Lenczewski	Otremba	Solberg	

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

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 2515.

H. F. No. 2515 was reported to the House.

Goodno moved to amend H. F. No. 2515, the third engrossment, as follows:

Page 23, line 28, delete "or"

Page 23, line 33, before the period, insert "; or

(3) are ineligible for medical assistance under chapter 256B, and are receiving care and rehabilitation services from a nonprofit center established to serve victims of torture. These individuals are eligible for general assistance medical care only for the period during which they are receiving services from the center. During this period of eligibility, individuals eligible under this clause shall not be required to participate in prepaid general assistance medical care"

The motion prevailed and the amendment was adopted.

Kahn; Wagenius; McGuire; Greiling; Marko; Schumacher; Huntley; Carlson; Murphy; Opatz; Biernat; Folliard; Juhnke; Davnie; Jaros; Johnson, R.; Johnson, S.; Bernardy; Walker; Milbert; Leppik; Paymar; Kelliher; Dorn; Koskinen; Abrams; Rhodes; Leighton; Dibble; Bishop; Osthoff and Gleason moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Page 4, after line 3, insert:

"Sec. 3. Minnesota Statutes 2000, section 144.413, is amended by adding a subdivision to read:

Subd. 5. [BAR.] "Bar" means an establishment or portion of an establishment where one can purchase and consume alcoholic beverages and that has either:

(1) a maximum patron seating capacity of not more than 50 and is categorized according to section 157.16, subdivision 3, paragraph (d), clause (7); or

(2) licensed food service provided, in consideration of payment, and is categorized according to section 157.16, subdivision 3, paragraph (d), clause (1), item (i) or (ii).

[EFFECTIVE DATE.] This section is effective January 1, 2003.

Sec. 4. Minnesota Statutes 2000, section 144.413, is amended by adding a subdivision to read:

Subd. 6. [RESTAURANT.] "Restaurant" has the meaning given in section 157.15, subdivision 12, when food service is provided in consideration of payment. A restaurant does not include a bar as defined in subdivision 5.

[EFFECTIVE DATE.] This section is effective January 1, 2003.

Sec. 5. Minnesota Statutes 2000, section 144.415, is amended to read:

144.415 [DESIGNATION OF SMOKING AREAS.]

Subdivision 1. [GENERAL REQUIREMENTS.] (a) Smoking areas may be designated by proprietors or other persons in charge of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or rule.

(b) Where smoking areas are designated in public places other than restaurants and bars, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. In the case of public places other than restaurants and bars consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a no smoking area. No public place other than a bar shall be designated as a smoking area in its entirety. ~~If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.~~

Subd. 2. [RESTAURANTS AND BARS.] Smoking may be permitted in designated smoking areas in restaurants and bars, provided that existing physical barriers and ventilation systems in those designated smoking areas are used to prevent the presence of smoke in adjacent nonsmoking areas.

[EFFECTIVE DATE.] This section is effective January 1, 2004."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Speaker pro tempore Boudreau called Abrams to the Chair.

The question was taken on the Kahn et al amendment and the roll was called. There were 46 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abrams	Dibble	Hilty	Kelliher	McGuire	Schumacher
Bernardy	Dorn	Huntley	Koskinen	Milbert	Skoglund
Biernat	Entenza	Jaros	Leighton	Mullery	Slawik
Bishop	Evans	Johnson, R.	Lenczewski	Murphy	Thompson
Carlson	Folliard	Johnson, S.	Leppik	Opatz	Wagenius
Clark, K.	Gleason	Juhnke	Lieder	Osthoff	Walker
Davnie	Gray	Kahn	Mariani	Paymar	
Dawkins	Greiling	Kalis	Marko	Rhodes	

Those who voted in the negative were:

Abeler	Eastlund	Jacobson	McElroy	Rifenberg	Tuma
Anderson, B.	Erhardt	Jennings	Molnau	Rukavina	Vandever
Anderson, I.	Erickson	Johnson, J.	Mulder	Ruth	Walz
Bakk	Finseth	Jordan	Ness	Seagren	Wasiluk
Blaine	Fuller	Kielkucki	Nornes	Seifert	Westerberg
Boudreau	Gerlach	Knoblach	Olson	Sertich	Westrom
Bradley	Goodno	Krinkie	Osskopp	Skoe	Wilkin
Buesgens	Goodwin	Kubly	Otremba	Smith	Winter
Cassell	Gunther	Kuisle	Ozment	Solberg	Wolf
Clark, J.	Haas	Larson	Paulsen	Stanek	Workman
Daggett	Hackbarth	Lindner	Pawlenty	Stang	Spk. Sviggum
Davids	Harder	Lipman	Pelowski	Swapinski	
Dehler	Holberg	Mahoney	Penas	Swenson	
Dempsey	Holsten	Mares	Peterson	Sykora	
Dorman	Howes	Marquart	Pugh	Tingelstad	

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

The Speaker resumed the Chair.

Pugh, Koskinen, Dibble and Paymar moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Pages 1 to 3, delete sections 1 and 2

Page 44, after line 42, insert:

"Sec. 6. [TRANSPORTATION APPROPRIATION.]

\$245,240,000 is appropriated to the commissioner of transportation in fiscal year 2002 for trunk highway construction. This appropriation is from the bond proceeds account in the trunk highway fund and is available for expenditure beginning the day after final enactment. The commissioner of transportation shall allocate this appropriation so that, taken together with money spent from the appropriation in Laws 2000, chapter 479, article 1, section 2, subdivision 3, total spending is in the amounts and for the purposes specified in the cited subdivision.

Of the appropriation in Laws 2000, chapter 479, article 1, section 2, subdivision 3, \$245,240,000 cancels to the general fund. This cancellation is effective the day following final enactment.

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

Sec. 7. [BOND SALE AUTHORIZATION.]

To provide the money appropriated in section 6 from the trunk highway bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$245,240,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amount requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the trunk highway fund.

Sec. 8. [BALANCE CANCELED TO GENERAL FUND.]

By June 30, 2002, \$80,000,000 of the unobligated balance in the cash flow account in Minnesota Statutes, section 16A.152, subdivision 1 cancels to the general fund. This transfer is in addition to transfers under Laws 2002, chapter 220.

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

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

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

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

There were 61 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Biernat	Davnie	Dorn	Folliard	Gray
Bakk	Carlson	Dawkins	Entenza	Gleason	Greiling
Bernardy	Clark, K.	Dibble	Evans	Goodwin	Hilty

Huntley	Kelliher	Mahoney	Opatz	Sertich	Walker
Jaros	Koskinen	Mariani	Otremba	Skoe	Wasiluk
Jennings	Kubly	Marko	Paymar	Skoglund	Winter
Johnson, R.	Larson	Marquart	Pelowski	Slawik	
Johnson, S.	Leighton	McGuire	Peterson	Solberg	
Juhnke	Lenczewski	Milbert	Pugh	Swapinski	
Kahn	Leppik	Mullery	Rukavina	Thompson	
Kalis	Lieder	Murphy	Schumacher	Wagenius	

Those who voted in the negative were:

Abeler	Dehler	Hackbarth	Lindner	Paulsen	Sykora
Abrams	Dempsey	Harder	Lipman	Pawlenty	Tingelstad
Anderson, B.	Dorman	Holberg	Mares	Penas	Tuma
Bishop	Eastlund	Holsten	McElroy	Rhodes	Vandever
Blaine	Erhardt	Howes	Molnau	Rifenberg	Walz
Boudreau	Erickson	Jacobson	Mulder	Ruth	Westerberg
Bradley	Finseth	Johnson, J.	Ness	Seagren	Westrom
Buesgens	Fuller	Jordan	Nornes	Seifert	Wilkin
Cassell	Gerlach	Kielkucki	Olson	Smith	Wolf
Clark, J.	Goodno	Knoblach	Osskopp	Stanek	Workman
Daggett	Gunther	Krinkie	Osthoff	Stang	Spk. Sviggum
Davids	Haas	Kuisele	Ozment	Swenson	

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

Goodno moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Page 40, delete lines 27 to 29

ReNUMBER the subdivisions

Adjust amounts accordingly

The motion prevailed and the amendment was adopted.

Koskinen and Huntley moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Pages 18 to 22, delete sections 19 to 23

Page 38, line 33, reinstate the stricken language

Page 39, lines 2 to 27, delete the new language and reinstate the stricken language

Page 39, delete section 40

Page 41, line 1, delete "(19,850,000)" and insert "(6,047,000)"

Page 41, after line 1, insert:

"For fiscal year 2003, \$13,803,000 is transferred from the health care access fund to the general fund, to be appropriated to the commissioner of human services to fund the expansion of medical assistance eligibility for children and families authorized under Laws of Minnesota, 2001 first special session, chapter 9, article 2, sections 18, 20, 21, 25, 40, and 41."

Amend the totals and summaries by fund accordingly

Reorder the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Koskinen and Huntley amendment and the roll was called.

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

There were 60 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Jennings	Leighton	Opatz	Skoglund
Bakk	Entenza	Johnson, R.	Lenczewski	Otremba	Slawik
Bernardy	Evans	Johnson, S.	Lieder	Paymar	Solberg
Biernat	Folliard	Jordan	Mahoney	Pelowski	Swapinski
Blaine	Gleason	Juhnke	Mariani	Peterson	Wagenius
Carlson	Gray	Kahn	Marko	Pugh	Walker
Clark, K.	Greiling	Kalis	McGuire	Rukavina	Walz
Davnie	Hilty	Kelliher	Milbert	Schumacher	Wasiluk
Dawkins	Huntley	Koskinen	Mullery	Sertich	Westerberg
Dibble	Jaros	Kubly	Murphy	Skoe	Winter

Those who voted in the negative were:

Abeler	Dempsey	Hackbarth	Leppik	Osthoff	Stang
Abrams	Dorman	Harder	Lindner	Ozment	Swenson
Anderson, B.	Eastlund	Holberg	Lipman	Paulsen	Sykora
Bishop	Erhardt	Holsten	Mares	Pawlenty	Thompson
Boudreau	Erickson	Howes	Marquart	Penas	Tingelstad
Bradley	Finseth	Jacobson	McElroy	Rhodes	Tuma
Buesgens	Fuller	Johnson, J.	Molnau	Rifenberg	Vandeveer
Cassell	Gerlach	Kielkucki	Mulder	Ruth	Westrom
Clark, J.	Goodno	Knoblach	Ness	Seagren	Wilkin
Daggett	Goodwin	Krinkie	Nornes	Seifert	Wolf
Davids	Gunther	Kuisle	Olson	Smith	Workman
Dehler	Haas	Larson	Osskopp	Stanek	Spk. Sviggum

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

Goodno moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Page 42, line 52, delete "4,700,000" and insert "17,200,000"

Page 42, delete lines 53 to 59

Page 43, delete lines 1 to 14 and insert:

"[TANF TRANSFER TO SOCIAL SERVICES.] (1) Of the federal TANF appropriation in fiscal year 2003, \$17,200,000 is transferred to the state's federal Title XX block grant. Of the amount transferred in fiscal year 2003, \$2,500,000 shall be available in calendar year 2004. Of the federal TANF appropriation in the 2004-2005 biennium, \$4,700,000 is transferred each year to the state's federal Title XX block grant.

(2) Notwithstanding the provisions of Minnesota Statutes, section 256E.07, in each year of the biennium the commissioner shall allocate the amounts in clause (i) that are transferred from the federal TANF appropriation to the Title XX block grant to counties proportionate to the amount a county received in calendar year 2001 community social services aids under Minnesota Statutes, section 256E.06. The commissioner shall ensure that money allocated to counties under this provision is used according to the requirements of United States Code, title 42, section 604 (d) (3) (B). Notwithstanding section 6, this provision expires June 30, 2005."

Correct the totals and the summaries by fund accordingly

A roll call was requested and properly seconded.

Carlson moved to amend the Goodno amendment to H. F. No. 2515, the third engrossment, as amended, as follows:

Page 1, after line 2, insert:

"Pages 34 to 36, delete sections 34 and 35"

Page 1, line 3, delete "17,200,000" and insert "15,061,000"

Page 1, after line 5, insert:

"Page 43, line 42, delete "5,361,000" and insert "6,719,000"

Page 43, line 49, delete "(1,197,000)" and insert "(416,000)"

Page 43, after line 49, insert:

"[RELATIVE CUSTODY ASSISTANCE.] (a) The fiscal year 2003 appropriation for relative custody assistance under Laws 2001, First Special Session, chapter 9, article 17, section 2 is reduced by \$460,000.

(b) Of the federal TANF appropriation, \$460,000 is appropriated to the commissioner for the relative custody assistance program under Minnesota Statutes, section 257.85."

Page 1, line 8, delete "\$17,200,000" and insert "\$15,061,000"

Page 1, after line 35, insert:

"Page 44, line 7, delete "1,197,000" and insert "416,000"

Adjust amounts accordingly

Renumber or reletter in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

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

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

There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Jaros	Leighton	Opatz	Skoglund
Anderson, I.	Entenza	Johnson, R.	Lenczewski	Otremba	Slawik
Bakk	Evans	Johnson, S.	Lieder	Paymar	Solberg
Bernardy	Folliard	Jordan	Mahoney	Pelowski	Swapinski
Biernat	Gleason	Juhnke	Mariani	Peterson	Thompson
Carlson	Goodwin	Kahn	Marko	Pugh	Wagenius
Clark, K.	Gray	Kalis	McGuire	Rukavina	Walker
Davnie	Greiling	Kelliher	Milbert	Schumacher	Wasiluk
Dawkins	Hilty	Koskinen	Mullery	Sertich	Westerberg
Dibble	Huntley	Kubly	Murphy	Skoe	Winter

Those who voted in the negative were:

Abrams	Dempsey	Harder	Leppik	Osthoff	Stang
Anderson, B.	Dorman	Holberg	Lindner	Ozment	Sykora
Bishop	Eastlund	Holsten	Lipman	Paulsen	Tingelstad
Blaine	Erhardt	Howes	Mares	Pawlenty	Tuma
Boudreau	Erickson	Jacobson	Marquart	Penas	Vandever
Bradley	Finseth	Jennings	McElroy	Rhodes	Walz
Buesgens	Fuller	Johnson, J.	Molnau	Rifenberg	Westrom
Cassell	Gerlach	Kielkucki	Mulder	Ruth	Wilkin
Clark, J.	Goodno	Knoblach	Ness	Seagren	Wolf
Daggett	Gunther	Krinkie	Nornes	Seifert	Workman
Davids	Haas	Kuisle	Olson	Smith	Spk. Sviggum
Dehler	Hackbarth	Larson	Osskopp	Stanek	

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

The question recurred on the Goodno amendment and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Holberg	Leighton	Osskopp	Smith
Abrams	Dorman	Holsten	Lenczewski	Osthoff	Solberg
Anderson, B.	Dorn	Howes	Leppik	Otremba	Stanek
Anderson, I.	Eastlund	Huntley	Lieder	Ozment	Stang
Bakk	Entenza	Jacobson	Lindner	Paulsen	Swapinski
Bernardy	Erhardt	Jaros	Lipman	Pawlenty	Swenson
Biernat	Erickson	Jennings	Mahoney	Paymar	Sykora
Bishop	Evans	Johnson, J.	Mares	Pelowski	Thompson
Blaine	Finseth	Johnson, R.	Mariani	Penas	Tingelstad
Boudreau	Folliard	Johnson, S.	Marko	Peterson	Tuma
Bradley	Fuller	Jordan	Marquart	Pugh	Vandever
Buesgens	Gerlach	Juhnke	McElroy	Rhodes	Wagenius
Carlson	Gleason	Kahn	McGuire	Rifenberg	Walker
Cassell	Goodno	Kalis	Milbert	Rukavina	Walz
Clark, J.	Goodwin	Kelliher	Molnau	Ruth	Wasiluk
Clark, K.	Gray	Kielkucki	Mulder	Schumacher	Westerberg
Daggett	Greiling	Knoblach	Mullery	Seagren	Westrom
Davids	Gunther	Koskinen	Murphy	Seifert	Wilkin
Davnie	Haas	Krinkie	Ness	Sertich	Winter
Dawkins	Hackbarth	Kubly	Nornes	Skoe	Wolf
Dehler	Harder	Kuise	Olson	Skoglund	Workman
Dempsey	Hilty	Larson	Opatz	Slawik	Spk. Sviggum

The motion prevailed and the amendment was adopted.

Walker, Mariani and Gray moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Page 4, line 34, delete "the program to"

Page 4, line 35, delete "eliminate health disparities under section 145.928,"

Page 5, line 1, after the period, insert "Family planning grant funds does not include funds distributed through the program to eliminate health disparities under section 145.928."

A roll call was requested and properly seconded.

The question was taken on the Walker et al amendment and the roll was called. There were 58 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark, K.	Entenza	Gray	Johnson, R.	Larson
Bakk	Davnie	Erhardt	Greiling	Johnson, S.	Leighton
Bernardy	Dawkins	Evans	Hilty	Kahn	Lenczewski
Biernat	Dibble	Folliard	Huntley	Kelliher	Leppik
Bishop	Dorman	Gleason	Jaros	Koskinen	Mahoney
Carlson	Dorn	Goodwin	Jennings	Kubly	Mariani

Marko	Mullery	Pelowski	Schumacher	Solberg	Walker
McElroy	Opatz	Pugh	Sertich	Swapinski	Wasiluk
McGuire	Osthoff	Rhodes	Skoglund	Thompson	
Milbert	Paymar	Rukavina	Slawik	Wagenius	

Those who voted in the negative were:

Abeler	Eastlund	Jacobson	Marquart	Peterson	Vandever
Anderson, B.	Erickson	Johnson, J.	Molnau	Rifenberg	Walz
Anderson, I.	Finseth	Jordan	Mulder	Ruth	Westerberg
Blaine	Fuller	Juhnke	Murphy	Seagren	Westrom
Boudreau	Gerlach	Kalis	Ness	Seifert	Wilkin
Bradley	Goodno	Kielkucki	Nornes	Skoe	Winter
Buesgens	Gunther	Knoblach	Olson	Smith	Wolf
Cassell	Haas	Krinkie	Osskopp	Stanek	Workman
Clark, J.	Hackbarth	Kuisle	Otremba	Stang	Spk. Sviggum
Daggett	Harder	Lieder	Ozment	Swenson	
Dauids	Holberg	Lindner	Paulsen	Sykora	
Dehler	Holsten	Lipman	Pawlenty	Tingelstad	
Dempsey	Howes	Mares	Penas	Tuma	

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

Huntley moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Page 44, after line 19, insert:

"Health Care Access -0- 1,100,000"

Page 44, after line 23, insert:

"Health Care Access -0- 1,100,000

[FAMILY PLANNING SPECIAL PROJECT GRANTS.] Of the health care access fund appropriation, \$1,100,000 in fiscal year 2003 is for the Family Planning Special Project Grants under Minnesota Statutes, section 145.925."

Adjust amounts accordingly

Renumber or reletter in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Huntley amendment and the roll was called. There were 56 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Biernat	Clark, K.	Dibble	Entenza	Folliard
Bakk	Bishop	Davnie	Dorman	Erhardt	Gleason
Bernardy	Carlson	Dawkins	Dorn	Evans	Goodwin

Gray	Johnson, R.	Leppik	Mullery	Schumacher	Wagenius
Greiling	Johnson, S.	Mahoney	Opatz	Sertich	Walker
Hilty	Kahn	Mariani	Osthoff	Skoglund	Wasiluk
Holsten	Kelliher	Marko	Paymar	Slawik	
Huntley	Koskinen	McElroy	Pugh	Solberg	
Jaros	Larson	McGuire	Rhodes	Swapinski	
Jennings	Leighton	Milbert	Rukavina	Thompson	

Those who voted in the negative were:

Abeler	Eastlund	Johnson, J.	Mares	Pelowski	Tingelstad
Anderson, B.	Erickson	Jordan	Marquart	Penas	Tuma
Anderson, I.	Finseth	Juhnke	Molnau	Peterson	Vandever
Blaine	Fuller	Kalis	Mulder	Rifenberg	Walz
Boudreau	Gerlach	Kielkucki	Murphy	Ruth	Westerberg
Bradley	Goodno	Knoblach	Ness	Seagren	Westrom
Buesgens	Gunther	Krinkie	Nornes	Seifert	Wilkin
Cassell	Haas	Kubly	Olson	Skoe	Winter
Clark, J.	Hackbarth	Kuisle	Osskopp	Smith	Wolf
Daggett	Harder	Lenczewski	Otremba	Stanek	Workman
Davids	Holberg	Lieder	Ozment	Stang	Spk. Sviggum
Dehler	Howes	Lindner	Paulsen	Swenson	
Dempsey	Jacobson	Lipman	Pawlenty	Sykora	

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

Folliard; Walker; Skoglund; Gray; Bishop; Leppik; Thompson; Swapinski; Wasiluk; Greiling; Rhodes; Mariani; Koskinen; Bernardy; Paymar; Entenza; Dawkins; Kahn; Slawik; Kelliher; Dibble; Johnson, S.; Evans; Wagenius; Huntley; Clark, K., and Carlson moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Pages 4 to 13, delete sections 4 to 11

Re-number the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Folliard et al amendment and the roll was called. There were 48 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Goodwin	Johnson, S.	Mariani	Sertich
Bakk	Dibble	Gray	Kahn	Marko	Skoglund
Bernardy	Dorn	Greiling	Kelliher	McGuire	Slawik
Biernat	Entenza	Hilty	Koskinen	Mullery	Swapinski
Bishop	Erhardt	Huntley	Larson	Osthoff	Thompson
Carlson	Evans	Jaros	Leighton	Paymar	Wagenius
Clark, K.	Folliard	Jennings	Leppik	Rhodes	Walker
Davnie	Gleason	Johnson, R.	Mahoney	Rukavina	Wasiluk

Those who voted in the negative were:

Abeler	Eastlund	Johnson, J.	Marquart	Pawlenty	Stang
Anderson, B.	Erickson	Jordan	McElroy	Pelowski	Swenson
Anderson, I.	Finseth	Juhnke	Milbert	Penas	Sykora
Blaine	Fuller	Kalis	Molnau	Peterson	Tingelstad
Boudreau	Gerlach	Kielkucki	Mulder	Pugh	Tuma
Bradley	Goodno	Knoblach	Murphy	Rifenberg	Vandever
Buesgens	Gunther	Krinkie	Ness	Ruth	Walz
Cassell	Haas	Kubly	Nornes	Schumacher	Westerberg
Clark, J.	Hackbarth	Kuisle	Olson	Seagren	Westrom
Daggett	Harder	Lenczewski	Opatz	Seifert	Wilkin
Davids	Holberg	Lieder	Osskopp	Skoe	Winter
Dehler	Holsten	Lindner	Otremba	Smith	Wolf
Dempsey	Howes	Lipman	Ozment	Solberg	Workman
Dorman	Jacobson	Mares	Paulsen	Stanek	Spk. Sviggum

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

Otremba moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Page 13, after line 10, insert:

"Sec. 12. Minnesota Statutes 2000, section 145.925, is amended by adding a subdivision to read:

Subd. 8a. [GRANTS FOR NATURAL FAMILY PLANNING.] The commissioner must allocate family planning special projects grant funds under this subdivision before making any other allocations under this section or Minnesota Rules, parts 4700.1900 to 4700.2500. Each grant cycle, the commissioner shall allocate at least twenty percent of the funds available for that grant cycle to organizations that provide natural family planning services and provide no other type of family planning services. In evaluating applications for grants under this subdivision, the commissioner shall not use the service components and criteria in Minnesota Rules, part 4700.2210 or 4700.2300. The service components and criteria used by the commissioner to evaluate applications under this subdivision must be narrowly tailored to evaluate the need for natural family planning services in the grant applicant's geographic area and the grant applicant's effectiveness in providing natural family planning services.

Sec. 13. Minnesota Statutes 2000, section 145.925, subdivision 9, is amended to read:

Subd. 9. [AMOUNT OF GRANT; RULES.] This subdivision applies to the allocation of grant funds remaining after the allocation of grant funds under subdivision 8a. Notwithstanding any rules to the contrary, including rules proposed in the State Register on April 1, 1991, the commissioner, in allocating grant funds for family planning special projects, shall not limit the total amount of funds that can be allocated to an organization. The commissioner shall allocate to an organization receiving grant funds on July 1, 1997, at least the same amount of grant funds for the 1998 to 1999 grant cycle as the organization received for the 1996 to 1997 grant cycle, provided the organization submits an application that meets grant funding criteria. This subdivision does not affect any procedure established in rule for allocating special project money to the different regions. The commissioner shall revise the rules for family planning special project grants so that they conform to the requirements of this subdivision. In adopting these revisions, the commissioner is not subject to the rulemaking provisions of chapter 14, but is bound by section 14.386, paragraph (a), clauses (1) and (3). Section 14.386, paragraph (b), does not apply to these rules."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Otremba amendment and the roll was called. There were 78 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Jacobson	Lindner	Paulsen	Swenson
Anderson, B.	Eastlund	Jaros	Lipman	Pawlenty	Sykora
Anderson, I.	Erickson	Johnson, J.	Marquart	Pelowski	Tingelstad
Blaine	Finseth	Jordan	McElroy	Penas	Tuma
Boudreau	Fuller	Juhnke	Molnau	Peterson	Vandever
Bradley	Gerlach	Kalis	Mulder	Rifenberg	Walz
Buesgens	Goodno	Kielkucki	Murphy	Ruth	Westenberg
Cassell	Gunther	Knoblach	Ness	Schumacher	Westrom
Clark, J.	Haas	Krinkie	Nornes	Seagren	Wilkin
Daggett	Hackbarth	Kubly	Olson	Seifert	Winter
Davids	Harder	Kuise	Osskopp	Smith	Wolf
Dehler	Holberg	Lenczewski	Otremba	Stanek	Workman
Dempsey	Howes	Lieder	Ozment	Stang	Spk. Sviggum

Those who voted in the negative were:

Abrams	Dibble	Greiling	Koskinen	Milbert	Skoe
Bakk	Dorn	Hilty	Larson	Mullery	Skoglund
Bernardy	Entenza	Holsten	Leighton	Opatz	Slawik
Biernat	Erhardt	Huntley	Leppik	Osthoff	Solberg
Bishop	Evans	Jennings	Mahoney	Paymar	Swapinski
Carlson	Folliard	Johnson, R.	Mares	Pugh	Thompson
Clark, K.	Gleason	Johnson, S.	Mariani	Rhodes	Wagenius
Davnie	Goodwin	Kahn	Marko	Rukavina	Walker
Dawkins	Gray	Kelliher	McGuire	Sertich	Wasiluk

The motion prevailed and the amendment was adopted.

Folliard moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Page 1, after line 35, insert:

"Section 1. Minnesota Statutes 2000, section 13.3806, is amended by adding a subdivision to read:

Subd. 9a. [ASTHMA SURVEILLANCE SYSTEM.] Data collected by the asthma surveillance system are classified under section 144.4105, subdivision 2."

Page 4, after line 3, insert:

"Sec. 3. [144.4105] [ASTHMA SURVEILLANCE SYSTEM.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of health shall develop a comprehensive asthma surveillance system to:

(1) measure the prevalence of childhood asthma;

(2) identify factors, including indoor and outdoor environmental factors, which may cause or exacerbate asthma;

(3) identify appropriate and effective methods of intervention to prevent or minimize the severity of asthma; and

(4) provide data for utilization by other asthma researchers.

Subd. 2. [DATA COLLECTION; DATA CLASSIFICATION.] The commissioner shall specify the types of data that must be reported to the commissioner and standards for reporting specific types of data. Data collected and maintained by the commissioner for the asthma surveillance system under this section are private data on individuals. Notwithstanding this classification, the commissioner may release data collected and maintained in the system according to subdivision 1, clause (4).

Subd. 3. [RULEMAKING.] The commissioner may adopt rules to implement this section.

Subd. 4. [BIENNIAL REPORT TO LEGISLATURE.] By January 15, 2003, 2005, and 2007, the commissioner shall report to the legislature on the prevalence of asthma in the state and shall provide recommendations on action steps the legislature may take to decrease the prevalence of asthma and the morbidity associated with having asthma."

Page 44, after line 23, insert:

"Subd. 3. Health Protection

-0- 455,000

Summary by Fund

Health Care
Access -0- 455,000

[ASTHMA SURVEILLANCE SYSTEM.] This appropriation from the health care access fund is for the asthma surveillance system under Minnesota Statutes, section 144.4105. Base-level funding for the 2004-2005 biennium shall be \$395,000 each year."

Correct the totals and summaries by fund accordingly

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

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

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

There were 61 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, K.	Folliard	Jaros	Kelliher	Mahoney
Abrams	Davnie	Gleason	Jennings	Koskinen	Mariani
Bakk	Dawkins	Goodwin	Johnson, R.	Kubly	Marko
Bernardy	Dibble	Gray	Johnson, S.	Larson	McGuire
Biernat	Dorn	Greiling	Juhnke	Leighton	Milbert
Bishop	Entenza	Hilty	Kahn	Lenczewski	Mullery
Carlson	Evans	Huntley	Kalis	Lieder	Murphy

Opatz	Peterson	Schumacher	Solberg	Wagenius
Osthoff	Pugh	Sertich	Swapinski	Walker
Otremba	Rhodes	Skoglund	Thompson	Wasiluk
Paymar	Rukavina	Slawik	Tingelstad	

Those who voted in the negative were:

Anderson, B.	Dorman	Holberg	Lipman	Pawlenty	Sykora
Anderson, I.	Eastlund	Holsten	Mares	Pelowski	Tuma
Blaine	Erhardt	Howes	Marquart	Penas	Vandever
Boudreau	Erickson	Jacobson	McElroy	Rifenberg	Walz
Bradley	Finseth	Johnson, J.	Molnau	Ruth	Westerberg
Buesgens	Fuller	Jordan	Mulder	Seagren	Westrom
Cassell	Gerlach	Kielkucki	Ness	Seifert	Wilkin
Clark, J.	Goodno	Knoblach	Nornes	Skoe	Winter
Daggett	Gunther	Krinkie	Olson	Smith	Wolf
Davids	Haas	Kuisle	Osskopp	Stanek	Workman
Dehler	Hackbarth	Leppik	Ozment	Stang	Spk. Sviggum
Dempsey	Harder	Lindner	Paulsen	Swenson	

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

Clark, K.; Mariani and Walker moved to amend H. F. No. 2515, the third engrossment, as amended, as follows:

Pages 27 and 28, delete section 28

Page 34, delete section 33

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Clark, K., et al amendment and the roll was called. There were 55 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Jaros	Lieder	Pelowski	Wagenius
Bakk	Evans	Johnson, R.	Mahoney	Peterson	Walker
Bernardy	Folliard	Johnson, S.	Mariani	Pugh	Walz
Biernat	Gleason	Jordan	Marko	Rukavina	Wasiluk
Carlson	Goodwin	Juhnke	McGuire	Sertich	Westerberg
Clark, K.	Gray	Kahn	Milbert	Skoe	
Davnie	Greiling	Kelliher	Mullery	Skoglund	
Dawkins	Hilty	Koskinen	Osthoff	Slawik	
Dibble	Howes	Kubly	Otremba	Solberg	
Dorn	Huntley	Leighton	Paymar	Swapinski	

Those who voted in the negative were:

Abeler	Dempsey	Holberg	Lindner	Ozment	Swenson
Abrams	Dorman	Holsten	Lipman	Paulsen	Sykora
Anderson, B.	Eastlund	Jacobson	Mares	Pawlenty	Thompson
Bishop	Erhardt	Jennings	Marquart	Penas	Tingelstad
Blaine	Erickson	Johnson, J.	McElroy	Rhodes	Tuma
Boudreau	Finseth	Kalis	Molnau	Rifenberg	Vandever
Bradley	Fuller	Kielkucki	Mulder	Ruth	Westrom
Buesgens	Gerlach	Knoblach	Murphy	Schumacher	Wilkin
Cassell	Goodno	Krinkie	Ness	Seagren	Winter
Clark, J.	Gunther	Kuisle	Nornes	Seifert	Wolf
Daggett	Haas	Larson	Olson	Smith	Workman
Davids	Hackbarth	Lenczewski	Opatz	Stanek	Spk. Sviggum
Dehler	Harder	Leppik	Osskopp	Stang	

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

The Speaker called Abrams to the Chair.

H. F. No. 2515, A bill for an act relating to human services; modifying disposition of tobacco endowment fund; modifying rulemaking authority; restricting use of family planning grant funds; requiring certain information be provided before abortions are performed; providing for natural family planning grants; providing for guest registration of dentists and dental hygienists; modifying disposition of certain revenues; modifying certain provisions for medical assistance, MFIP, MinnesotaCare, and general assistance medical care; modifying certain reimbursement rate provisions; modifying certain managed care contract provisions; providing civil penalties; appropriating money; amending Minnesota Statutes 2000, sections 144.395, subdivision 1, as amended; 144.417, subdivision 1; 145.925, subdivision 9, by adding a subdivision; 150A.06, by adding a subdivision; 245.037; 246.18, subdivisions 5, 6; 246.57, subdivisions 1, 5, 6; 256B.431, by adding a subdivision; 256B.69, subdivision 5a, as amended; 256D.03, by adding a subdivision; 256D.05, subdivision 1; 256D.06, subdivision 2; 256J.48, subdivision 1; 256L.03, subdivisions 3, 5; 256L.05, subdivision 3c; Minnesota Statutes 2001 Supplement, sections 144.395, subdivision 2; 256B.056, subdivisions 1a, 4; 256B.057, subdivision 2; 256B.0635, subdivisions 1, 2; 256J.24, subdivision 10; 256J.425, subdivisions 3, 4, 5; 256J.52, subdivision 2; 256J.53, subdivision 1; 256L.17, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 2001 Supplement, section 256B.056, subdivisions 1c, 3c.

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 72 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Daggett	Gerlach	Jacobson	Lipman	Osskopp
Anderson, B.	Davids	Goodno	Johnson, J.	Mares	Otremba
Bishop	Dehler	Gunther	Jordan	Marquart	Ozment
Blaine	Dempsey	Haas	Kielkucki	McElroy	Paulsen
Boudreau	Dorman	Hackbarth	Knoblach	Molnau	Pawlenty
Bradley	Eastlund	Harder	Krinkie	Mulder	Pelowski
Buesgens	Erickson	Holberg	Kuisle	Ness	Penas
Cassell	Finseth	Holsten	Lenczewski	Nornes	Rifenberg
Clark, J.	Fuller	Howes	Lindner	Olson	Ruth

Seagren	Stanek	Sykora	Vandev eer	Westrom	Wolf
Seifert	Stang	Tingelstad	Walz	Wilkin	Workman
Smith	Swenson	Tuma	Westerberg	Winter	Spk. Sviggum

Those who voted in the negative were:

Abrams	Dorn	Huntley	Kubly	Mullery	Sertich
Anderson, I.	Entenza	Jaros	Larson	Murphy	Skoe
Bakk	Erhardt	Jennings	Leighton	Opatz	Skoglund
Bernardy	Evans	Johnson, R.	Leppik	Osthoff	Slawik
Biernat	Folliard	Johnson, S.	Lieder	Paymar	Solberg
Carlson	Gleason	Juhnke	Mahoney	Peterson	Swapinski
Clark, K.	Goodwin	Kahn	Mariani	Pugh	Thompson
Davnie	Gray	Kalis	Marko	Rhodes	Wagenius
Dawkins	Greiling	Kelliher	McGuire	Rukavina	Walker
Dibble	Hilty	Koskinen	Milbert	Schumacher	Wasiluk

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

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 2902.

H. F. No. 2902 was reported to the House.

Peterson and Kubly moved to amend H. F. No. 2902, the third engrossment, as follows:

Page 1, after line 20, insert:

"Section 1. Minnesota Statutes 2000, section 119B.10, subdivision 1, is amended to read:

Subdivision 1. [ASSISTANCE FOR PERSONS SEEKING AND RETAINING EMPLOYMENT.] (a) Persons who are seeking employment and who are eligible for assistance under this section are eligible to receive up to 240 hours of child care assistance per calendar year.

(b) Employed persons who work at least an average of 20 hours and full-time students who work at least an average of ten hours a week and receive at least a minimum wage for all hours worked are eligible for continued child care assistance for employment. For purposes of this section, work-study programs must be counted as employment. Child care assistance during employment must be authorized as provided in paragraphs (c) and (d).

(c) When the person works for an hourly wage and the hourly wage is equal to or greater than the applicable minimum wage, child care assistance shall be provided for the actual hours of employment, break, and mealtime during the employment and travel time up to two hours per day.

(d) When the person does not work for an hourly wage, child care assistance must be provided for the lesser of:

(1) the amount of child care determined by dividing gross earned income by the applicable minimum wage, up to one hour every eight hours for meals and break time, plus up to two hours per day for travel time; or

(2) the amount of child care equal to the actual amount of child care used during employment, including break and mealtime during employment, and travel time up to two hours per day.

(e) Notwithstanding paragraph (b), a family in which one wage earner is a self-employed farmer who does not meet the minimum wage requirement may receive child care assistance if all of the other eligibility requirements in this chapter are met."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

Anderson, I.	Entenza	Johnson, R.	Lieder	Otremba	Skoglund
Bakk	Evans	Johnson, S.	Mahoney	Paymar	Slawik
Bernardy	Folliard	Juhnke	Mariani	Pelowski	Smith
Biernat	Gleason	Kahn	Marko	Penas	Solberg
Blaine	Goodwin	Kalis	Marquart	Peterson	Swapinski
Carlson	Gray	Kelliher	McGuire	Pugh	Swenson
Clark, K.	Greiling	Koskinen	Milbert	Rukavina	Thompson
Davnie	Hilty	Kubly	Mullery	Ruth	Wagenius
Dawkins	Huntley	Larson	Murphy	Schumacher	Walker
Dibble	Jaros	Leighton	Opatz	Sertich	Wasiluk
Dorn	Jennings	Lenczewski	Osthoff	Skoe	Winter

Those who voted in the negative were:

Abeler	Dehler	Haas	Krinkie	Olson	Sykora
Abrams	Dempsey	Hackbarth	Kuisele	Osskopp	Tingelstad
Anderson, B.	Dorman	Harder	Leppik	Ozment	Tuma
Bishop	Eastlund	Holberg	Lindner	Paulsen	Vandever
Boudreau	Erhardt	Holsten	Lipman	Pawlenty	Walz
Bradley	Erickson	Howes	Mares	Rhodes	Westerberg
Buesgens	Finseth	Jacobson	McElroy	Rifenberg	Westrom
Cassell	Fuller	Johnson, J.	Molnau	Seagren	Wilkin
Clark, J.	Gerlach	Jordan	Mulder	Seifert	Wolf
Daggett	Goodno	Kielkucki	Ness	Stanek	Workman
Davids	Gunther	Knoblach	Nornes	Stang	Spk. Sviggum

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

Pugh; Bernardy; Greiling; Johnson, S.; Bakk; Koskinen; Rukavina; McGuire; Paymar; Kelliher; Johnson, R.; Anderson, I.; Sertich; Wasiluk; Dibble; Leighton; Pelowski; Dorn; Jaros; Winter; Slawik; Evans; Kubly; Huntley; Peterson; Marko; Solberg; Davnie; Hilstrom; Schumacher; Opatz; Juhnke; Goodwin; Walker; Biernat; Thompson; Carlson; Wagenius; Kalis and Folliard offered an amendment to H. F. No. 2902, the third engrossment.

POINT OF ORDER

Pawlenty 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 Pugh et al amendment was not in order. Speaker pro tempore Abrams ruled the point of order well taken and the Pugh et al amendment out of order.

Pugh appealed the decision of Speaker pro tempore Abrams.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Abrams stand as the judgment of the House?" and the roll was called. There were 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Harder	Lipman	Penas	Tuma
Anderson, B.	Dorman	Holberg	Mares	Rhodes	Vandever
Bishop	Eastlund	Holsten	McElroy	Rifenberg	Walz
Blaine	Erhardt	Howes	Molnau	Ruth	Westrom
Boudreau	Erickson	Johnson, J.	Mulder	Seagren	Wilkin
Bradley	Finseth	Jordan	Ness	Seifert	Wolf
Buesgens	Fuller	Kielkucki	Nornes	Smith	Workman
Cassell	Gerlach	Knoblach	Olson	Stanek	Spk. Sviggum
Clark, J.	Goodno	Krinkie	Osskopp	Stang	
Daggett	Gunther	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

Those who voted in the negative were:

Abeler	Entenza	Jennings	Lenczewski	Osthoff	Slawik
Anderson, I.	Evans	Johnson, R.	Lieder	Otremba	Solberg
Bakk	Folliard	Johnson, S.	Mahoney	Paymar	Swapinski
Bernardy	Gleason	Juhnke	Mariani	Pelowski	Thompson
Biernat	Goodwin	Kahn	Marko	Peterson	Wagenius
Carlson	Gray	Kalis	Marquart	Pugh	Walker
Clark, K.	Greiling	Kelliher	McGuire	Rukavina	Wasiluk
Davnie	Hilty	Koskinen	Milbert	Schumacher	Westerberg
Dawkins	Huntley	Kubly	Mullery	Sertich	Winter
Dibble	Jacobson	Larson	Murphy	Skoe	
Dorn	Jaros	Leighton	Opatz	Skoglund	

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

The Speaker resumed the Chair.

H. F. No. 2902, A bill for an act relating to early childhood and family education; providing for children and family support, prevention, and self-sufficiency and lifelong learning programs; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 2000, sections 124D.221, subdivision 2; 124D.52, subdivision

3; 124D.531, subdivision 4; Minnesota Statutes 2001 Supplement, section 124D.531, subdivision 1; Laws 2001, First Special Session chapter 3, article 1, section 17, subdivisions 3, as amended, 8, as amended, 9, as amended, 11, as amended; Laws 2001, First Special Session chapter 3, article 1, section 18, as amended; Laws 2001, First Special Session chapter 3, article 2, section 15, subdivision 3, as amended, 10; Laws 2001, First Special Session chapter 3, article 3, section 9, subdivisions 5, 7.

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 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Harder	Lipman	Penas	Tuma
Anderson, B.	Dorman	Holberg	Mares	Rhodes	Vandever
Bishop	Eastlund	Holsten	McElroy	Rifenberg	Walz
Blaine	Erhardt	Howes	Molnau	Ruth	Westrom
Boudreau	Erickson	Jacobson	Mulder	Seagren	Wilkin
Bradley	Finseth	Johnson, J.	Ness	Seifert	Wolf
Buesgens	Fuller	Kielkucki	Nornes	Smith	Workman
Cassell	Gerlach	Knoblach	Olson	Stanek	Spk. Sviggum
Clark, J.	Goodno	Krinkie	Osskopp	Stang	
Daggett	Gunther	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

Those who voted in the negative were:

Abeler	Entenza	Johnson, R.	Lenczewski	Osthoff	Slawik
Anderson, I.	Evans	Johnson, S.	Lieder	Otremba	Solberg
Bakk	Folliard	Jordan	Mahoney	Paymar	Swapinski
Bernardy	Gleason	Juhnke	Mariani	Pelowski	Thompson
Biernat	Goodwin	Kahn	Marko	Peterson	Wagenius
Carlson	Gray	Kalis	Marquart	Pugh	Walker
Clark, K.	Greiling	Kelliher	McGuire	Rukavina	Wasiluk
Davnie	Hilty	Koskinen	Milbert	Schumacher	Westerberg
Dawkins	Huntley	Kubly	Mullery	Sertich	Winter
Dibble	Jaros	Larson	Murphy	Skoe	
Dorn	Jennings	Leighton	Opatz	Skoglund	

The bill was passed and its title agreed to.

The Speaker called Paulsen to the Chair.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 3618.

H. F. No. 3618 was reported to the House.

Jennings moved to amend H. F. No. 3618, the second engrossment, as follows:

Page 25, line 25, after the period, insert:

"Up to \$750,000 of this appropriation may be used for wetland mitigation for the Rush City Prison."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Dawkins moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 23, line 50, delete "100,000" and insert "200,000"

Page 30, after line 33, insert:

"Sec. 26. ARMORY REPLACEMENT \$100,000

For a grant to the city of St. Paul for an option to purchase a brownfield site in St. Paul for a facility to house the department of military affairs training and community center to accommodate the replacement of the Cedar Street armory. This appropriation is from the general fund."

Page 44, after line 24, insert:

"Sec. 2. Laws 2000, chapter 479, article 1, section 3, subdivision 2, is amended to read:

Subd. 2. Bus Garages ~~10,000,000~~ 9,895,000

To construct bus garages. This appropriation is available until spent. This reduction of general fund appropriations is in addition to any other reduction in any other bill.

Page 48, line 38, delete "\$612,840,000" and insert "\$612,845,000"

Amend the totals accordingly

Re-number the sections in sequence and correct internal references

Amend the title accordingly

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

Ozment, Knoblach and Seifert moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 18, line 30, after the period, insert:

"Any balance in the grant amount after completion of construction of the LQP-25/Lazarus Creek floodwater retention project may be used by the board of water and soil resources for capital improvement projects."

The motion prevailed and the amendment was adopted.

Peterson moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 15, line 16, delete "21,800,000" and insert "23,650,000"

Page 15, line 24, after "Montevideo," insert "Dawson,"

Page 31, after line 13, insert:

"Subd. 3. \$25,000 of the appropriation in Laws 1998, chapter 404, section 7, subdivision 33, for the bald eagle center, is canceled to the general fund."

Renumber the subdivisions in sequence

Correct internal references

Adjust totals

Amend the title accordingly

A roll call was requested and properly seconded.

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

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

There were 56 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Folliard	Juhnke	Milbert	Pugh	Thompson
Bakk	Gleason	Kahn	Mulder	Rukavina	Vandever
Bernardy	Goodwin	Kalis	Mullery	Schumacher	Wagenius
Biernat	Greiling	Kelliher	Murphy	Seifert	Walker
Carlson	Hilty	Koskinen	Opatz	Sertich	Wasiluk
Davnie	Huntley	Kubly	Osthoff	Skoe	Winter
Dawkins	Jaros	Leighton	Otremba	Skoglund	
Dorn	Jennings	Mahoney	Paymar	Slawik	
Entenza	Johnson, R.	Mariani	Pelowski	Solberg	
Evans	Johnson, S.	Marko	Peterson	Swapinski	

Those who voted in the negative were:

Abeler	Clark, J.	Erickson	Holberg	Kuise	Molnau
Abrams	Clark, K.	Finseth	Holsten	Larson	Ness
Anderson, B.	Daggett	Fuller	Howes	Lenczewski	Nornes
Bishop	Davids	Gerlach	Jacobson	Leppik	Olson
Blaine	Dehler	Goodno	Johnson, J.	Lindner	Osskopp
Boudreau	Dempsey	Gunther	Jordan	Lipman	Ozment
Bradley	Dorman	Haas	Kielkucki	Mares	Paulsen
Buesgens	Eastlund	Hackbarth	Knoblach	Marquart	Pawlenty
Cassell	Erhardt	Harder	Krinkie	McElroy	Penas

Rhodes	Seagren	Stang	Tingelstad	Westerberg	Wolf
Rifenberg	Smith	Swenson	Tuma	Westrom	Workman
Ruth	Stanek	Sykora	Walz	Wilkin	Spk. Sviggum

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

Erickson; Blaine; Hackbarth; Haas; Buesgens; Gunther; Stang; Kuisle; Eastlund; Kielkucki; Ness; Vandever; Anderson, B.; Finseth and Seagren moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 27, after line 15, insert:

"State funds appropriated for the Garrison Kathio West Mille Lacs sanitary district project shall be made available for the project only after the Garrison Kathio West Mille Lacs sanitary sewer district and ML Wastewater Management, Inc., enter into a written agreement which provides:

(1) that neither the sewer services agreement between the district and ML Wastewater Management, Inc., nor the use of the sanitary sewer services by non-members of the Mille Lacs Band of Ojibwe creates a basis for jurisdiction by the Band over non-members; and

(2) that the arbitration provision in the agreement and any award from arbitration are enforceable in the state or federal courts."

A roll call was requested and properly seconded.

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

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

There were 112 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abeler	Daggett	Gleason	Johnson, S.	Lipman	Otremba
Abrams	Davids	Goodno	Jordan	Mahoney	Ozment
Anderson, B.	Davnie	Greiling	Juhnke	Mares	Paulsen
Anderson, I.	Dehler	Gunther	Kalis	Marquart	Pawlenty
Bakk	Dempsey	Haas	Kelliher	McElroy	Pelowski
Bernardy	Dorman	Hackbarth	Kielkucki	McGuire	Penas
Biernat	Dorn	Harder	Knoblach	Milbert	Peterson
Bishop	Eastlund	Holberg	Koskinen	Molnau	Pugh
Blaine	Entenza	Holsten	Krinkie	Mulder	Rhodes
Boudreau	Erhardt	Howes	Kubly	Mullery	Rifenberg
Bradley	Erickson	Huntley	Kuisle	Ness	Ruth
Buesgens	Evans	Jacobson	Leighton	Nornes	Schumacher
Carlson	Finseth	Jennings	Leppik	Olson	Seagren
Cassell	Fuller	Johnson, J.	Lieder	Opatz	Seifert
Clark, J.	Gerlach	Johnson, R.	Lindner	Osskopp	Sertich

Skoglund	Stanek	Sykora	Vandev eer	Westrom	Workman
Slawik	Stang	Thompson	Walz	Wilkin	Spk. Sviggum
Smith	Swapinski	Tingelstad	Wasiluk	Winter	
Solberg	Swenson	Tuma	Westerberg	Wolf	

Those who voted in the negative were:

Clark, K.	Gray	Kahn	Mariani	Osthoff	Skoe
Dawkins	Hilty	Larson	Marko	Paymar	Wagenius
Dibble	Jaros	Lenczewski	Murphy	Rukavina	Walker

The motion prevailed and the amendment was adopted.

Peterson moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 20, line 20, delete "4,250,000" and insert "3,250,000"

Page 20, line 24, after the period, insert:

"This appropriation is not available until at least \$1,000,000 has been committed to the project from nonstate sources."

Page 28, after line 53, insert:

"Subd. 12. Madison - Infrastructure Improvements 1,000,000

To design, construct, and rehabilitate publicly owned infrastructure, and to design and construct publicly owned capital improvements in the city of Madison."

Adjust totals

A roll call was requested and properly seconded.

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

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

There were 50 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Johnson, S.	Mahoney	Pelowski	Swapinski
Bakk	Entenza	Juhnke	Mariani	Peterson	Walker
Biernat	Folliard	Kalis	Marquart	Pugh	Wasiluk
Carlson	Gleason	Kelliher	Milbert	Rukavina	Westrom
Cassell	Hilty	Kubly	Mulder	Schumacher	Winter
Clark, K.	Huntley	Leighton	Mullery	Seifert	
Davnie	Jaros	Lenczewski	Osthoff	Sertich	
Dawkins	Jennings	Lieder	Otremba	Skoe	
Dibble	Johnson, R.	Lipman	Paymar	Solberg	

Those who voted in the negative were:

Abeler	Dorman	Harder	Leppik	Pawlenty	Tingelstad
Abrams	Eastlund	Holberg	Lindner	Penas	Tuma
Anderson, B.	Erhardt	Holsten	Mares	Rhodes	Vandever
Bernardy	Erickson	Howes	McElroy	Rifenberg	Wagenius
Bishop	Evans	Jacobson	McGuire	Ruth	Walz
Blaine	Finseth	Johnson, J.	Molnau	Seagren	Westerberg
Boudreau	Fuller	Jordan	Murphy	Skoglund	Wilkin
Bradley	Gerlach	Kahn	Ness	Slawik	Wolf
Buesgens	Goodno	Kielkucki	Nornes	Smith	Workman
Clark, J.	Goodwin	Knoblach	Olson	Stanek	Spk. Sviggum
Daggett	Greiling	Koskinen	Opatz	Stang	
Davids	Gunther	Krinkie	Osskopp	Swenson	
Dehler	Haas	Kuisle	Ozment	Sykora	
Dempsey	Hackbarth	Larson	Paulsen	Thompson	

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

Seagren, Bakk and Rukavina moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 50, line 33, before the period, insert ", with permanent school trust fund lands being given the top priority for acquisition"

The motion prevailed and the amendment was adopted.

Carlson moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 5, delete lines 1 to 36

Page 10, delete lines 1 to 36

Page 23, after line 59, insert:

"Subd. 4. Bus Garages \$1,100,000

To construct bus garages."

Page 44, after line 24, insert:

"Sec. 49. Laws 2000, chapter 479, article 1, section 3, subdivision 2, is amended to read:

Subd. 2. Bus Garages ~~10,000,000~~ 8,900,000

To construct bus garages. This appropriation is available until spent."

Page 48, line 38, delete "612,840,000" and insert "613,940,000"

Adjust the totals accordingly

Renumber the subdivisions and sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Carlson amendment and the roll was called. There were 65 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Eastlund	Huntley	Larson	Opatz	Skoglund
Bakk	Entenza	Jaros	Leighton	Osthoff	Slawik
Bernardy	Evans	Jennings	Lenczewski	Otremba	Solberg
Biernat	Folliard	Johnson, R.	Lieder	Paymar	Swapinski
Carlson	Fuller	Johnson, S.	Mariani	Pelowski	Thompson
Clark, K.	Gerlach	Juhnke	Marko	Peterson	Wagenius
Davnie	Gleason	Kahn	Marquart	Pugh	Walker
Dawkins	Goodwin	Kalis	McGuire	Rukavina	Wasiluk
Dehler	Gray	Kelliher	Milbert	Schumacher	Westrom
Dibble	Greiling	Koskinen	Mullery	Sertich	Winter
Dorn	Hilty	Kubly	Murphy	Skoe	

Those who voted in the negative were:

Abeler	Dempsey	Howes	Mares	Rhodes	Vandever
Abrams	Dorman	Jacobson	McElroy	Rifenberg	Walz
Anderson, B.	Erhardt	Johnson, J.	Molnau	Ruth	Westerberg
Bishop	Erickson	Jordan	Mulder	Seagren	Wilkin
Blaine	Finseth	Kielkucki	Ness	Seifert	Wolf
Boudreau	Goodno	Knoblach	Nornes	Smith	Workman
Bradley	Gunther	Krinkie	Olson	Stanek	Spk. Sviggum
Buesgens	Haas	Kuisle	Osskopp	Stang	
Cassell	Hackbarth	Leppik	Ozment	Swenson	
Clark, J.	Harder	Lindner	Paulsen	Sykora	
Daggett	Holberg	Lipman	Pawlenty	Tingelstad	
Davids	Holsten	Mahoney	Penas	Tuma	

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

Tingelstad, Abeler, Westerberg, Dehler, Schumacher, Mares, Bernardy, Otremba, Evans, Marko, Dibble, Greiling, Hackbarth, Koskinen, Blaine, Knoblach, Leppik, Goodwin and Jordan moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 19, line 26, delete "17,000,000" and insert "4,100,000"

Page 23, after line 6, insert:

"Subd. 9. Northstar Corridor Rail Project	9,000,000
<p>For a commuter rail system from Rice to Minneapolis. This appropriation must be spent for purposes as set forth in the Minnesota Constitution, article XI, section 5, clause (a), to acquire and better public lands and buildings and other improvements of a capital nature, and for purposes as set forth in the Minnesota Constitution, article XI, section 5, clause (i), to improve and rehabilitate railroad rights-of-way and other rail facilities whether public or private. This appropriation is not available until the commissioner of finance has determined that an equal amount has been committed from nonstate sources. After the commissioner of finance has determined that an equal amount has been committed to the project from nonstate sources, the commissioner of transportation may spend money only on design and land acquisition until the commissioner of finance has determined that: (1) the commissioner of transportation has entered into an agreement with BNSF railroad governing the track capacity projects and operating terms required to provide commuter rail service; and (2) there are and will be sufficient funds for the reasonably expected capital and operating costs for commuter rail service without reducing the scope of the project or service. The commissioner of finance must report to the chairs of the house and senate committees with jurisdiction over capital investment and transportation finance, and the chairs of the house committee on ways and means and the senate committee on finance on the determinations made.</p>	
Subd. 10. Red Rock Commuter Rail	1,000,000
<p>For design, environmental review and preliminary engineering of Red Rock rail line between the city of Hastings, through the city of St. Paul, to the city of Minneapolis.</p>	
Subd. 11. Rush Line Transitway	400,000
<p>For transitway improvements for the Rush Line transitway between the city of St. Paul and the city of Hinckley.</p>	
Subd. 12. Cedar Avenue Transitway	1,000,000
<p>For environmental review, engineering, real property acquisition, and construction of corridor improvements for bus rapid transit on the Cedar Avenue transitway between the Apply Valley/Lakeville area and the Mall of America in Bloomington.</p>	
Subd. 13. St. Paul Union Depot	1,500,000
<p>For a grant to the city of St. Paul to acquire the Union Depot in St. Paul."</p>	

Page 49, after line 37, insert:

"Section 1. [DAN PATCH COMMUTER RAIL LINE; PROHIBITIONS.]

Subdivision 1. [DEFINITION.] For purposes of this section, "Dan Patch commuter rail line" means the commuter rail line between Northfield and Minneapolis identified in the metropolitan council's transit 2020 master plan as the Dan Patch line.

Subd. 2. [METROPOLITAN COUNCIL; PROHIBITIONS.] The metropolitan council must not take any action or spend any money for study, planning, preliminary engineering, final design, or construction for the Dan Patch commuter rail line. The council must remove all references, other than references for historical purposes, to the Dan Patch commuter rail line from any future revisions to the council's transportation development guide and the council's regional transit master plan.

Subd. 3. [COMMISSIONER OF TRANSPORTATION.] The commissioner of transportation must not expend any money for study, planning, preliminary engineering, final design, or construction for the Dan Patch commuter rail line. The commissioner must remove all references, other than references for historical purposes, to the Dan Patch commuter rail line from any future revisions to the state transportation plan and the commissioner's commuter rail system plan.

Subd. 4. [REGIONAL RAIL AUTHORITIES.] No regional rail authority may expend any money for study, planning, preliminary engineering, final design, or construction for the Dan Patch commuter rail line."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Sertich, Rukavina, Bakk, Jaros, Swapinski, Solberg, Huntley, Murphy and Anderson, I., moved to amend the Tinglestad et al amendment to H. F. No. 3618, the second engrossment, as amended, as follows:

Page 1, line 22, before the period, insert:

"and that the project will use steel produced with taconite produced in Minnesota to the extent possible"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 90 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Finseth	Holsten	Kahn	Mahoney
Anderson, I.	Davnie	Folliard	Howes	Kalis	Mares
Bakk	Dawkins	Fuller	Huntley	Kelliher	Mariani
Bernardy	Dehler	Gleason	Jacobson	Koskinen	Marko
Biernat	Dempsey	Goodno	Jaros	Kubly	Marquart
Carlson	Dibble	Gray	Jennings	Larson	McGuire
Clark, J.	Dorn	Greiling	Johnson, R.	Leighton	Milbert
Clark, K.	Entenza	Hackbarth	Johnson, S.	Lenczewski	Mullery
Daggett	Evans	Hilty	Juhnke	Lieder	Murphy

Ness	Ozment	Rhodes	Slawik	Thompson	Walz
Olson	Paymar	Rukavina	Smith	Tingelstad	Wasiluk
Opatz	Pelowski	Schumacher	Solberg	Tuma	Westerberg
Osskopp	Penas	Sertich	Stanek	Vandever	Westrom
Osthoff	Peterson	Skoe	Swapinski	Wagenius	Winter
Otremba	Pugh	Skoglund	Swenson	Walker	Workman

Those who voted in the negative were:

Abrams	Cassell	Gunther	Knoblach	Molnau	Seagren
Anderson, B.	Dorman	Haas	Krinkie	Mulder	Seifert
Bishop	Eastlund	Harder	Kuisle	Nornes	Stang
Blaine	Erhardt	Holberg	Leppik	Paulsen	Sykora
Boudreau	Erickson	Johnson, J.	Lindner	Pawlenty	Wilkin
Bradley	Gerlach	Jordan	Lipman	Rifenberg	Wolf
Buesgens	Goodwin	Kielkucki	McElroy	Ruth	Spk. Sviggum

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

The question recurred on the Tingelstad et al amendment, as amended, and the roll was called. There were 71 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Jennings	Leighton	Opatz	Slawik
Anderson, I.	Entenza	Johnson, R.	Lenczewski	Osthoff	Solberg
Bakk	Evans	Johnson, S.	Leppik	Otremba	Stang
Bernardy	Folliard	Jordan	Lieder	Paymar	Swapinski
Biernat	Gleason	Juhnke	Mahoney	Peterson	Thompson
Blaine	Goodwin	Kahn	Mares	Pugh	Tingelstad
Carlson	Gray	Kalis	Mariani	Rhodes	Wagenius
Clark, K.	Greiling	Kelliher	Marko	Rukavina	Walker
Davnie	Hackbarth	Knoblach	McGuire	Schumacher	Wasiluk
Dawkins	Hilty	Koskinen	Milbert	Sertich	Westerberg
Dehler	Huntley	Kubly	Mullery	Skoe	Winter
Dibble	Jaros	Larson	Murphy	Skoglund	

Those who voted in the negative were:

Abrams	Dorman	Holberg	McElroy	Penas	Walz
Anderson, B.	Eastlund	Holsten	Molnau	Rifenberg	Westrom
Bishop	Erhardt	Howes	Mulder	Ruth	Wilkin
Boudreau	Erickson	Jacobson	Ness	Seagren	Wolf
Bradley	Finseth	Johnson, J.	Nornes	Seifert	Workman
Buesgens	Fuller	Kielkucki	Olson	Smith	Spk. Sviggum
Cassell	Gerlach	Krinkie	Osskopp	Stanek	
Clark, J.	Goodno	Kuisle	Ozment	Swenson	
Daggett	Gunther	Lindner	Paulsen	Sykora	
Davids	Haas	Lipman	Pawlenty	Tuma	
Dempsey	Harder	Marquart	Pelowski	Vandever	

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

Holberg; Molnau; Buesgens; Bishop; Wilkin; Kielkucki; Lipman; Seagren; Kuisle; Anderson, B., and Seifert moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 1 of the Tingelstad et al amendment, delete lines 4 to 42

Page 2 of the Tingelstad et al amendment, delete lines 1 to 10

Page 21, line 40, delete "10,000,000" and insert "12,000,000"

Page 22, line 12, delete "25,000,000" and insert "29,000,000"

Page 22, line 17, delete "26,000,000" and insert "30,000,000"

Adjust amounts accordingly

Renumber or reletter in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Holberg et al amendment and the roll was called. There were 66 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Haas	Lindner	Paulsen	Swenson
Anderson, B.	Dorman	Harder	Lipman	Pawlenty	Sykora
Bishop	Dorn	Holberg	Marquart	Pelowski	Tuma
Blaine	Eastlund	Holsten	McElroy	Penas	Vandever
Boudreau	Erhardt	Howes	Molnau	Rifenberg	Walz
Bradley	Erickson	Jacobson	Mulder	Ruth	Westerberg
Buesgens	Finseth	Johnson, J.	Ness	Seagren	Westrom
Cassell	Fuller	Johnson, R.	Nornes	Seifert	Wilkin
Clark, J.	Gerlach	Kielkucki	Olson	Smith	Wolf
Daggett	Goodno	Krinkie	Osskopp	Stanek	Workman
Davids	Gunther	Kuisle	Ozment	Stang	Spk. Sviggum

Those who voted in the negative were:

Abeler	Entenza	Jennings	Leighton	Murphy	Skoe
Anderson, I.	Evans	Johnson, S.	Lenczewski	Opatz	Skoglund
Bakk	Folliard	Jordan	Leppik	Osthoff	Slawik
Bernardy	Gleason	Juhnke	Lieder	Otremba	Solberg
Biernat	Goodwin	Kahn	Mahoney	Paymar	Swapinski
Carlson	Gray	Kalis	Mares	Peterson	Thompson
Clark, K.	Greiling	Kelliher	Mariani	Pugh	Tingelstad
Davnie	Hackbarth	Knoblach	Marko	Rhodes	Wagenius
Dawkins	Hilty	Koskinen	McGuire	Rukavina	Walker
Dehler	Huntley	Kubly	Milbert	Schumacher	Wasiluk
Dibble	Jaros	Larson	Mullery	Sertich	Winter

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

Abrams moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 1 of the Tingelstad et al amendment, delete lines 4 to 42

Page 2 of the Tingelstad et al amendment, delete lines 1 to 10

Page 20, after line 15, insert:

"Subd. 8. Minneapolis - Guthrie Theatre 10,000,000

For a grant to the Minneapolis community development agency to acquire and prepare a site for and to design, construct, furnish, and equip a new Guthrie Theater in the city of Minneapolis. The Minneapolis community development agency may enter into a lease or management agreement for the theater, subject to Minnesota Statutes, section 16A.695.

This appropriation is not available until the commissioner has determined that an equal amount has been committed from nonstate sources."

Adjust amounts accordingly

ReNUMBER or reletter in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Abrams amendment and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Harder	Lipman	Ozment	Stanek
Anderson, B.	Dorman	Holberg	Marquart	Paulsen	Swenson
Bishop	Eastlund	Holsten	McElroy	Pawlenty	Sykora
Boudreau	Erhardt	Howes	Milbert	Penas	Tuma
Bradley	Erickson	Jacobson	Molnau	Rhodes	Vanderveer
Buesgens	Fuller	Johnson, J.	Mulder	Rifenberg	Walz
Cassell	Gerlach	Kielkucki	Nornes	Ruth	Westrom
Clark, J.	Goodno	Krinkie	Olson	Seagren	Wilkin
Daggett	Gunther	Kuisle	Osskopp	Seifert	Wolf
Davids	Haas	Lindner	Osthoff	Smith	Spk. Sviggum

Those who voted in the negative were:

Abeler	Biernat	Davnie	Dorn	Gleason	Hackbarth
Anderson, I.	Blaine	Dawkins	Entenza	Goodwin	Hilty
Bakk	Carlson	Dehler	Evans	Gray	Huntley
Bernardy	Clark, K.	Dibble	Folliard	Greiling	Jaros

Jennings	Knoblach	Mahoney	Opatz	Sertich	Tingelstad
Johnson, R.	Koskinen	Mares	Otremba	Skoe	Wagenius
Johnson, S.	Kubly	Mariani	Paymar	Skoglund	Walker
Jordan	Larson	Marko	Pelowski	Slawik	Wasiluk
Juhnke	Leighton	McGuire	Peterson	Solberg	Westerberg
Kahn	Lenczewski	Mullery	Pugh	Stang	Winter
Kalis	Leppik	Murphy	Rukavina	Swapinski	Workman
Kelliher	Lieder	Ness	Schumacher	Thompson	

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

Dorman, Gunther, Leighton and Davids moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 1 of the Tingelstad et al amendment, line 5, delete "9,000,000" and insert "6,500,000"

Page 2 of the Tingelstad et al amendment, after line 24, insert:

"Subd. 14. Southern Star 2,500,000

For a high speed commuter rail system from Preston to Austin to Albert Lea to Fairmont. The system must be constructed with steel made from taconite mined in Minnesota. This appropriation must be spent for purposes as set forth in the Minnesota Constitution, article XI, section 5, clause (a), to acquire and better public lands and buildings and other improvements of a capital nature, and for purposes as set forth in the Minnesota Constitution, article XI, section 5, clause (i), to improve and rehabilitate railroad rights-of-way and other rail facilities whether public or private. This appropriation is not available until the commissioner of finance has determined that an equal amount has been committed from nonstate sources."

Adjust amounts accordingly

Renumber or reletter in sequence and correct internal references

Amend the title accordingly

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

McElroy, Davids, Holberg, Gunther and Rifenberg moved to amend H. F. No. 3618, the second engrossment, as amended, as follows:

Page 1 of the Tingelstad et al amendment, delete lines 4 to 42

Page 2 of the Tingelstad et al amendment, delete lines 1 to 24

Page 29, line 7, delete "19,500,000" and insert "21,500,000"

Page 29, line 35, delete "2,000,000" and insert "12,900,000"

Page 29, line 39, after the period, insert:

"Half of the amount of loans and grants must be used for housing outside the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2."

Adjust amounts accordingly

Renumber or reletter in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

FISCAL CALENDAR, Continued

McElroy withdrew the pending McElroy et al amendment to H. F. No. 3618, the second engrossment, as amended.

H. F. No. 3618, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; requiring certain studies and reports; authorizing sale of state bonds; canceling earlier appropriations and reducing bond authorizations; making technical corrections; making changes to statutes related to administration of the state's capital improvement program; requiring an inventory of state-owned land; providing a certain exemption from any moratorium on state professional or technical contracts; authorizing a lease of certain Minneapolis park and recreation board land; modifying the wastewater infrastructure program; establishing a local road improvement account; prohibiting any action on the Dan Patch Commuter Rail Line; establishing a multiagency working group on mitigation of effects of DM&E rail project in southern Minnesota; authorizing the purchase of certain state park inholdings; appropriating money; amending Minnesota Statutes 2000, sections 13.462, subdivision 2; 16A.11, subdivision 6; 16A.501; 16A.86, subdivision 3; 16B.335, subdivision 3; 119A.45; 446A.072, subdivisions 1, 3, 6, 7, 8, 9, 11, 12, by adding subdivisions; Laws 1998, chapter 404, section 18, subdivision 4; Laws 2000, chapter 492, article 1, section 12, subdivision 7; Laws 2000, chapter 492, article 1, section 15, subdivision 4; Laws 2000, chapter 492, article 1, section 22, subdivisions 3, as amended, 4; Laws 2000, chapter 492, article 1, section 27; Laws 2001, First Special Session chapter 12, section 10; proposing coding for new law in Minnesota Statutes, chapters 16B; 174; repealing Minnesota Statutes 2000, section 446A.072, subdivisions 2, 4, 5, 10, 13.

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 59 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Jennings	Leighton	Murphy	Solberg
Anderson, I.	Entenza	Johnson, R.	Lenczewski	Osthoff	Stang
Bernardy	Evans	Johnson, S.	Leppik	Otremba	Swapinski
Biernat	Finseth	Jordan	Lieder	Paymar	Thompson
Blaine	Folliard	Kahn	Mahoney	Pelowski	Tingelstad
Carlson	Goodwin	Kelliher	Mariani	Peterson	Wagenius
Clark, K.	Gray	Knoblach	Marko	Pugh	Walker
Davnie	Greiling	Koskinen	Marquart	Rhodes	Wasiluk
Dehler	Hackbarth	Kubly	McGuire	Skoe	Westerberg
Dempsey	Huntley	Larson	Milbert	Skoglund	

Those who voted in the negative were:

Abrams	Dorman	Holberg	McElroy	Penas	Vandever
Anderson, B.	Dorn	Holsten	Molnau	Rifenberg	Walz
Bakk	Eastlund	Howes	Mulder	Ruth	Westrom
Bishop	Erhardt	Jacobson	Mullery	Seagren	Wilkin
Boudreau	Erickson	Johnson, J.	Ness	Seifert	Winter
Bradley	Fuller	Kalis	Nornes	Sertich	Wolf
Buesgens	Gerlach	Kielkucki	Olson	Slawik	Workman
Cassell	Goodno	Krinkie	Opatz	Smith	Spk. Sviggum
Clark, J.	Gunther	Kuisle	Osskopp	Stanek	
Daggett	Haas	Lindner	Ozment	Swenson	
Davids	Harder	Lipman	Paulsen	Sykora	
Dawkins	Hilty	Mares	Pawlenty	Tuma	

Not having received the constitutionally required three-fifth's vote, the bill was not passed, as amended.

CALENDAR FOR THE DAY

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

MOTIONS AND RESOLUTIONS

Abeler moved that his name be stricken as an author on H. F. No. 766. The motion prevailed.

Stanek moved that the name of Jordan be added as an author on H. F. No. 2292. The motion prevailed.

Clark, J., moved that the name of Paulsen be added as an author on H. F. No. 3386. The motion prevailed.

Finseth moved that H. F. No. 3183, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, March 18, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, March 18, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives